

**CRM-M-5024-2021 (O&M) and
CRM-M-42996-2019 (O&M)**

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**243 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of Decision: 15.07.2022

**CRM-M-5024-2021 (O&M) and
CRM-M-42996-2019 (O&M)**

Mandeep Singh

Petitioner

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sanjay Khan, Advocate for
Mr. Swarn Tiwana, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Kulwinder Singh, Advocate for
Mr. Navraj Singh, Advocate for respondent No.2.

AVNEESH JHINGAN, J (Oral):

CRM-M-5024-2021

This petition is filed under Section 482 Cr.P.C. for quashing of FIR No. 146 dated 11.7.2019 under Section 420 IPC registered at Police Station Samrala, District Khanna, Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 27.1.2020.

The FIR was registered alleging that petitioner purchased the tractor from the complainant. The tractor was financed, as per the agreement, the petitioner had to pay the balance installments of the loan. After taking the possession of the tractor, petitioner failed to clear the installments.

On 9.3.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 18.3.2021 is received stating that the compromise is genuine, voluntary, without any threat, pressure and coercion.

Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, has held:-

“There is no statutory bar in Cr.P.C. which affects inherent power of this Court under Section 482. The power of quashing is not limited to matrimonial cases alone.”

The Supreme Court in ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another, 2017 AIR (SC) 4843*** laid down the broad principles governing the exercises of powers of quashing of FIR. It was held that the power under Section 482 Cr.P.C. is to be exercised by the High Court to secure the ends of justice, to prevent abuse of any process of law and in cases where in view of the compromise the possibility of conviction is remote and continuation of proceeding will cause oppression and prejudice.

The present dispute has pre-dominant tone and tenor of commercial transaction. The parties have settled the differences and have decided to settle the issue and not to litigate any further. No useful purpose would be served by continuing with the trial. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising

therefrom are quashed.

The petition is allowed.

CRM-M-42996-2019

This petition is filed under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 146 dated 11.7.2019 under Section 420 IPC registered at Police Station Samrala, District Khanna.

In view of the fact that FIR has been quashed in **CRM-M-5024-2021**, the petition for anticipatory bail is dismissed as infructuous.

A photocopy of this order be placed on the file of connected case(s).

[AVNEESH JHINGAN]
JUDGE

15.07.2022
anuradha

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No