

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49482 of 2019

Date of Decision: 22.7.2022

Brijesh Dhand and others

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. P. S. Sekhon, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. Sarvjit, Advocate for respondent No. 2.

AVNEESH JHINGAN, J (Oral):

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 27 dated 23.2.2019, under Sections 420 and 120-B IPC, registered at Police Station City Kapurthala, District Kapurthala and all subsequent proceedings arising therefrom, on the basis of compromise.

As per the allegations of the complainant, he had authorised dealership of Livguard Energy Technologies (hereinafter referred to as 'the Company'). The distributorship was discontinued. Gulshan Sharma and Sandeep Kumar, employees of the company told the complainant that stock left with the complainant will be sent to Brijesh Dhand who will sell it and make the payment to the complainant. Gulshan Sharma and Sandeep Kumar demanded commission of 2%. Brijesh Dhand gave six cheques totalling Rs.5,23,700/-, on presentation, the cheques were dishonoured.

On 21.11.2019, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 11.5.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and that there are three accused (petitioners herein) and they have not been declared proclaimed offender.

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 grievance was that the money was not returned. 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.

[AVNEESH JHINGAN]
JUDGE

22.7.2022

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |