

CRM-M-50935 of 2019

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-50935 of 2019

Date of Decision: 29.7.2022

Vijay Kumar and another

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. L. M. Gulati, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 59 dated 13.4.2016, under Sections 406, 420, 120-B IPC, registered at Police Station Division No. 5, Jalandhar and all subsequent proceedings arising therefrom on the basis of compromise.

As per the allegations, the complainant had raised a loan for purchasing a vehicle. The loan was to be repaid in monthly instalments. The complainant made an attempt to clear the loan in lump sum. The bank officer referred the complainant to the accused who was engaged in sale and purchase and finance of vehicles. The vehicle was sold with an understanding that the remaining instalments would be paid by accused-Vijay. Possession of the vehicle was taken but the loan was not cleared.

On 18.4.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 7.6.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and that there are two accused (petitioners herein) and they have not been declared as 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 pre-dominant dispute has a tone and tenor of commercial transaction. The grievance was that the loan was not repaid. The parties have settled the differences and decided 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

29.7.2022
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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No