

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

CRM-M-11398 of 2022

Date of decision: 11th August, 2023

Gurinder Singh Bath and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Anil Shukla, Advocate for the petitioners.
Ms. Navreet Kaur Barnala, AAG, Punjab.
Mr. Amit Sheoran, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 113 dated 4.9.2020, under Sections 420, 406, 506 and 120-B IPC and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Zira District Ferozepur and all subsequent proceedings arising therefrom on the basis of compromise.
2. As per the allegations in the FIR, the petitioners in connivance with each other on assurance of sending complainant's relatives to England took money and gave threats to him. Neither needful was done nor the amount was returned.
3. On 17.3.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.
4. The report dated 12.5.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and that there are five accused (petitioners herein) and none of them has been declared as proclaimed offender.
5. Learned counsel for respondent No. 2, who is daughter-in-law of the complainant, submits that the complainant has expired.

6. Learned counsel for the State on instructions submits that there is no fire arm injury.
7. 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.”*
8. 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 exercise of powers for 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.
9. The dispute has a pre-dominant tone and tenor of commercial transaction. The grievance was that the money was not returned. The parties being relatives 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.
10. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

11th August, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |