

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

CRM-M-26972 of 2023

Date of decision: 11th September, 2023

Amit Kadyan

Petitioner

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sanjeev K. Sharma, Advocate for the petitioner.
Mr. Rajiv Sidhu, DAG, Haryana.
Mr. Raj Kumar Malik, Advocate for respondent No. 2.

AVNEESH JHINGAN, J (Oral):

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 208 dated 21.4.2023, under Sections 406, 420 and 506 IPC, registered at Police Station City Bahadurgarh, District Jhajjar and all subsequent proceedings arising therefrom on the basis of compromise.

2. As per FIR, the dispute is between the family members regarding partition of the property. It was alleged that certain cheques of complainant-Monika Kadian were mis-used by the petitioner.

3. On 26.5.2023, 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 14.7.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. It is further submitted that there is only one accused (petitioner herein) and he has not been declared as proclaimed offender.

5. 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.”

6. 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.

7. The parties are related to each other. The dispute has a predominant tone and tenor of commercial transaction. The grievance was that the money was not returned. 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.

9. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

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