

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

CRM-M-32086 of 2023

Date of decision: 22nd September, 2023

Baljinder Singh and another

Petitioners

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. M. K. Pundir, Advocate for the petitioners.
Mr. Rajiv Sidhu, DAG, Haryana.
Ms. Anisha Chauhan, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 299 dated 24.5.2023, under Sections 406, 420 and 506 IPC, registered at Police Station Mahesh Nagar, District Ambala and all subsequent proceedings arising therefrom on the basis of compromise.

2. As per the allegations in the FIR, petitioner No. 1 along with other persons ostensibly received the amount from the complainant on the pretext of sending him abroad. Neither the amount was returned nor the needful was done. Initially, FIR was registered against five persons. During investigation, four persons were found innocent.

3. On 6.7.2023, 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 29.8.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and accused Baljinder Singh is not 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 dispute has a pre-dominant tone and tenor of commercial transaction. The grievance was that the amount has not been 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.
8. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

22nd September, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |