

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

CRM-M-35379 of 2022

Date of decision: 14th July, 2023

Jaibir Singh and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vishwajeet, Advocate for the petitioners.
Ms. Jasleen Chahal, AAG, Haryana.
Mr. Saurav, 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. 161 dated 19.9.2021 under Sections 120-B, 407, 506 IPC, registered at Police Station Loharu, District Bhiwani and all subsequent proceedings arising therefrom on the basis of compromise.
2. As per the allegations in the FIR, the complainant is Senior Manager of Delivery Company and a franchise agreement was given to petitioner No. 1. The petitioners in connivance with each other embezzled the parcels.
3. On 9.8.2022, 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 22.2.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and there are six accused (five petitioners herein) and one has to be arrested.
5. Learned counsel for respondent No. 2 submits as the root cause of the dispute has been resolved, his client is not pressing the allegations against him.

6. 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.”

7. 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.

8. The dispute has a pre-dominant 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

14th July, 2023
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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No