

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

236

CRM-M No.33081 of 2023

Date of Decision: 25th August, 2023

Vasu Goel and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr. Kuldeep Sheoran, Advocate for the petitioners.

Ms. Navreet K. Barnala, AAG, Punjab.

Ms. Versha Sharma, Advocate for the complainant.

AVNEESH JHINGAN, J. (Oral)

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 208 dated 23.07.2022, under Sections 379 and 120-B of Indian Penal Code, 1860, registered at Police Station City Kharar, District SAS Nagar and all subsequent proceedings arising therefrom on the basis of compromise.

2. The FIR was registered at the instance of Harinder Singh. The dispute was between tenant and landlord with regard to vacating the premises. The allegations were that the car owned by the complainant was taken away by the tenant. There were three accused named in the FIR i.e. both petitioners and Sarika. The matter has been compromised.

3. Learned counsel for the complainant on instructions submits that the complainant is not pressing the allegations against third accused Sarika.

4. The parties with the intervention of respectables have compromised the matter.

5. On 13.07.2023, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

6. The report dated 09.08.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and there are three accused (petitioners herein) and two out of them have not been declared as proclaimed offender.

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 is between the landlord and the tenant. With the intervention of friends and relatives, the parties have decided to forget and forgive. No useful purpose would be served by continuing with the trial. Due to compromise, there are bleak chances of conviction. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

10. The petition is allowed.

25th August, 2023
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

No/Yes