

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

CRM-M-35648 of 2023

Date of decision: 1st September, 2023

Vishnu Swaroop and others

Petitioners

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Aman Bansal, Advocate for the petitioners.
Mr. Rajiv Sidhu, DAG, Haryana.
Mr. Amit Kakkar, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 21 dated 15.2.2023, under Sections 120-B/420/467/468/471 IPC , registered at Police Station DLF-II, District Gurugram and all subsequent proceedings arising therefrom on the basis of compromise.

2. As per the allegations in the FIR, the petitioners ostensibly received payment on the basis of an agreement to sell by representing themselves to be the owners of the property in question.

3. Learned counsel for the petitioners submits that in the petition for quashing on merits, application for withdrawal of the petition has been filed.

4. On 26.7.2023, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

5. The report dated 18.8.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and that there are three accused (petitioners herein) and none of them has been declared as proclaimed offender.

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 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

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