IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-37775 of 2023
Date of decision:15th September, 2023

Anshul Mahajan and another

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vishal Munjal, Advocate for the petitioners.
Mr. Jashanpreet Singh, DAG, Punjab.
Mr. Ketan Chopra, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 375 dated 26.12.2019, under Section 420 IPC, registered at Police Station City Kapurthala and all subsequent proceedings arising therefrom on the basis of compromise.

2. As per the allegations in the FIR, the petitioners after collecting GST from the complainant did not deposit it with the Government.

3. On 3.8.2023, 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 31.8.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and that there are two accused (petitioners herein) and none of them has 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 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.

8. The petition is allowed.

9. It is clarified that quashing of this FIR shall not be an impediment for the GST authority to proceed against the petitioners and their firms.

[AVNEESH JHINGAN]
JUDGE

15th September, 2023
mk

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No