

**CRM-M-43647 of 2023**  
**2023:PHHC:129711**

[1]

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

**CRM-M-43647 of 2023**  
**Date of decision:6<sup>th</sup> October, 2023**

Gopal Sethi

Petitioner

Versus

State of Punjab and another

Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. GPS Bal, Advocate for the petitioners.  
Ms. Jashanpreet Singh, DAG, Punjab.  
Ms. Gurpreet Kaur, Advocate for the complainant.

**AVNEESH JHINGAN, J (Oral):**

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 175 dated 15.9.2018, under Sections 406/420 IPC, 1860 registered at Police Station Phase-1, Mohali and all subsequent proceedings arising therefrom on the basis of compromise.
2. As per the allegations in the FIR, the dispute was with regard to the agreement to sell of flat between the parties. The vendor failed to adhere to the agreement by not complying with the conditions.
3. On 2.9.2023, 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 3.10.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and that there is one accused (petitioner herein) and he has not 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 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

6<sup>th</sup> October, 2023  
anuradha

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