

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-47841 of 2023
Date of decision: 20th October, 2023

Pawan Kumar and another

Petitioners

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sahil Pwar, Advocate for the petitioners.
Mr. Rajiv Sidhu, DAG, Haryana.
Mr. Rajvir, Advocate for
Mr. Karandeep Singh, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 285 dated 24.5.2023, under Sections 420 IPC, 1860 and Section 24 of Emigration Act, 1983 registered at Police Station Pinjore, District Panchkula and all subsequent proceedings arising therefrom on the basis of compromise.
2. As per the allegations, the accused took money on pretext of getting a work visa for the complainant but neither needful was done nor the money returned.
3. On 21.9.2023, 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 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 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

20th October, 2023
anuradha

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