



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

CRR-218-2024 (O&M)
Date of Decision: August 09, 2024

RANJEET BANSAL**Petitioner(s)**

VERSUS

AJMER AND ANOTHER**Respondent(s)**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Tanvir S. Grewal, Advocate
for the petitioner(s).

Mr. Gagandeep Singh Gill, Advocate for
Mr. Ajeet Singh, Advocate
for respondent No.1.

SANDEEP MOUDGIL, J.(ORAL)

This petition has been filed by the petitioner for setting aside the impugned judgment dated 08.01.2024 passed by Sessions Judge, Hisar whereby punishment awarded to the petitioner by the trial Court was reduced to 9 months from 1 year of imprisonment for the offence under Section 138 of Negotiable Instruments Act, 1881 (hereinafter referred to as 'NI Act') and judgment of conviction and order of sentence dated 12.05.2023 passed by learned Judicial Magistrate 1st Class, Hisar whereby the petitioner and proforma respondent No.2 were held guilty under the NI Act, and the petitioner was sentenced to undergo simple imprisonment for a period of one year and to pay a compensation to the tune of Rs.20,00,000/- to the complainant in criminal Complaint case bearing No.3179-II of 2019 titled *Ajmer vs. DJR Bio Energy LLP and another*.



During the pendency of the dispute, the parties have compromised the matter and filed the present petition for quashing of FIR.

Vide order dated 22.07.2024, parties were directed to appear before the Illaqa Magistrate/Trial Court and report with regard to the genuineness of the compromise was called for.

The report dated 05.08.2024 has been received from Judicial Magistrate 1st Class, stating that the parties have entered into a compromise, which is genuine, voluntary and without any coercion or undue influence.

Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, has held:-

“The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in noncompoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role



of paramount importance in achieving peace, harmony and ever- lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.”

It is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be a waste of judicial time and there appears to be no chances of conviction.

In view of above, offence under Section 138 NI Act stands compounded while setting aside impugned judgment dated 08.01.2024 and judgment of conviction and order of sentence dated 12.05.2023.

The present petition is disposed of.

(SANDEEP MOUDGIL)
JUDGE

09.08.2024
Sangeeta

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No