

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

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CRM-M No.33242 of 2023

Date of Decision: 25th August, 2023

Ramesh Mahajan and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Ms. Himani Kapila, Advocate for the petitioners.

Ms. Navreet K. Barnala, AAG, Punjab.

Mr. Sushant Gupta, Advocate for the complainant.

AVNEESH JHINGAN, J. (Oral)

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 42 dated 28.02.2023, under Sections 420 and 120-B of Indian Penal Code, 1860, registered at Police Station City Gurdaspur, District Gurdaspur and all subsequent proceedings arising therefrom on the basis of compromise.

2. As per the FIR, petitioners purchased gold ornaments from the complainant and failed to make the payment.

3. The parties with the intervention of respectables have compromised the matter.

4. On 13.07.2023, 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 02.08.2023 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and there are two accused (petitioners herein) and they have not been

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 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.

9. The petition is allowed.

25th August, 2023
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

No/Yes