

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

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**CRM No. 18262 of 2023 in/and
CRM-M No. 335 of 2023
Date of Decision : 27.4.2023**

Sahib Raijada and others

..... Petitioners

versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Deepak Aggarwal, Advocate and
Mr. Akhil Aggarwal, Advocate, for the petitioners

Mr. Jashandeep Singh, AAG, Punjab
Ms. Jaspreet Kaur Sandhu, Advocate, for respondent no.2

TRIBHUVAN DAHIYA J. (ORAL):

For the reasons stated in the application, it is allowed.

The hearing of the main case is advanced to today. The main case is taken on board.

CRM-M No. 335 of 2023:

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.26 dated 28.1.2021 under Sections 323, 341, 342, 294, 506, 34 IPC (Section 498-A IPC added later on) registered at Police Station Dera Bassi, District SAS Nagar (Annexure P-1), and all consequential proceedings arising therefrom, in view of the compromise deed dated 2.1.2023 (Annexure P-2), entered into between the petitioners and the complainant to settle their disputes in question.

2. As the parties entered into a compromise to resolve their disputes which led to registration of the criminal case, they were directed to appear

before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard, vide order dated 6.1.2023. Pursuant thereto, a report dated 31.1.2023 has been received from Sub Divisional Judicial Magistrate, Dera Bassi, at Flag 'A', stating that the compromise arrived at between the parties is without any pressure, coercion or undue influence. There is no criminal case pending against the petitioners, nor have they been declared proclaimed person(s).

3. Learned State counsel and learned counsel appearing on behalf of respondent No.2-complainant admit the factum of compromise, and submit that they have no objection to quashing of the FIR on that basis.

4. It has been held by the Supreme Court of India in cases *Gian Singh v. State of Punjab and another*, 2012(10) SCC 303 and *State of Madhya Pradesh v. Laxmi Narayan and others*, (2019) 5 SCC 688, that criminal cases having overwhelmingly civil character, particularly those arising out of commercial transactions or matrimonial relationships or family disputes, should be quashed when the parties have resolved their disputes among themselves in a *bona fide* manner by entering into a compromise.

5. Further, reference can also be made to Full Bench judgment of this Court in *Kulwinder Singh and others v. State of Punjab and another*, 2007(3) R.C.R.(Criminal) 1052, holding that on the parties settling their disputes by way of a compromise, the High Court in exercise of power under Section 482 Cr.P.C. can allow the compounding of non-compoundable offences also, and quash the criminal proceedings to prevent abuse of the process of law or otherwise to secure the ends of justice. The power is not confined to matrimonial disputes alone.

establishes that the present case, arising out of matrimonial relationship, falls in the category of cases that can be quashed by the High Court in exercise of its inherent jurisdiction under Section 482 Cr.P.C., as per law laid down in the aforementioned judgments. The petitioners have no criminal antecedents. The offences alleged are not heinous in nature and cannot be termed as crime against the society; nor do they show mental depravity of the petitioners. Since disputes between the parties have been amicably resolved by way of the compromise, continuation of criminal proceedings will be an exercise in futility as chances of ultimate conviction are not there, and it will hamper their peaceful coexistence even after resolution of disputes.

7. Consequently, this petition is allowed. FIR No. 26 dated 28.1.2021 under Sections 323, 341, 342, 294, 506, 34 IPC (Section 498-A IPC added later on) registered at Police Station Dera Bassi, District SAS Nagar, and all consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

(TRIBHUVAN DAHIYA)
JUDGE

27.4.2023
Ashwani

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