

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.262

CRM-M-7034-2021 (O&M)
Date of Decision: 07.02.2023

Binder Kaur and others

.... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. P.K.S.Phoolka, Advocate
for the petitioners.

Mr. Harpreet Singh, Addl. A.G.Punjab.

Mr. Davinder Kumar, Advocate
for respondent No.2.

TRIBHUVAN DAHIYA, J. (ORAL)

CRM-50227-2022

This is an application for placing on record certified copy of judgment dated 15.07.2021 (Annexure P-4) granting divorce by mutual consent between the parties.

Application is allowed subject to all just exceptions and Annexure P-4 is taken on record.

CRM-M-7034-2021

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.74 dated 04.07.2018, registered under Sections 498-A, 406 and 120-B of IPC at Police Station Jaiton, District Faridkot (Annexure P-1) and all subsequent proceedings arising therefrom, in view of

the compromise, dated 18.12.2020 (Annexure P-2), entered into between the petitioner and the complainant to settle their disputes in question.

2. Keeping in view the fact that the parties had entered into a compromise, they were directed to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard, vide order dated 15.02.2021. Pursuant thereto, a report dated 30.04.2021 has been received from Sub Divisional Judicial Magistrate, Jaitu, at Flag 'A', stating that the compromise arrived at between the parties is without any pressure, coercion or undue influence.

3. Learned State counsel and learned counsel appearing on behalf of respondent No.2 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 *Narinder Singh and others v. State of Punjab and another*, 2014(6) SCC 466, 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, wherein it has been held 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 prosecution 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.

6. A perusal of the allegations in the FIR as well as the aforesaid report establishes that the present case 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. 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.

7. Consequently, this petition is allowed. FIR No.74 dated 04.07.2018, registered under Sections 498-A, 406 and 120-B of IPC at Police Station Jaiton, District Faridkot, and all subsequent proceedings arising therefrom are hereby quashed *qua* the petitioners.

(TRIBHUVAN DAHIYA)
JUDGE

07.02.2023
Maninder

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