

CRM-M-3083-2023

2023:PHHC:063394

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

264

CRM-M-3083-2023

Date of Decision: 02.05.2023

Aman

.... Petitioner

Versus

State of U.T. Chandigarh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Gautam Thapar, Advocate
for the petitioner.

Mr. Anupam Bansal, Addl.
Public Prosecutor, U.T., Chandigarh.

Mr. Vikrant Rana, Advocate for
Mr. Ravi Malhotra, Advocate
for respondent No.2.

TRIBHUVAN DAHIYA, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.85 dated 01.10.2016, registered under Sections 406, 498-A of Indian Penal Code, registered at Women Police Station, Sector 17 (Crime against Women Cell) Chandigarh (Annexure P-1) and all consequential proceedings arising therefrom, in view of the compromise, dated 29.12.2022 (Annexure P-3), entered into between the petitioner(s) 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 trial Court/Duty Magistrate for getting their statements recorded in that regard, vide order dated 20.01.2023. Pursuant thereto, a report dated

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21.02.2023 has been received from Judicial Magistrate Ist Class, 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 petitioner, nor he has been declared as 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.

6. A perusal of the allegations in the FIR as well as the aforesaid report 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

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the aforementioned judgments. The petitioner has no criminal antecedents. The offence alleged is not heinous in nature and cannot be termed as crime against the society; nor do he show mental depravity of the petitioner. 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.85 dated 01.10.2016, registered under Sections 406, 498-A of Indian Penal Code, registered at Women Police Station, Sector 17 (Crime against Women Cell) Chandigarh (Annexure P-1) and all consequential proceedings arising therefrom are hereby quashed *qua* the petitioner.

(TRIBHUVAN DAHIYA)
JUDGE

02.05.2023
Nisha

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