

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

206/A

**CRM-M No. 8016 of 2022
Date of Decision : 14.2.2023**

Himanshu Garg

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Rajesh Lamba, Advocate, for the petitioner
Ms. Mahima Yashpal, DAG, Haryana
Mr. Akhil Aggarwal, 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. 503 dated 11.11.2019 under Sections 323, 34, 376-C, 406, 498-A and 506 IPC registered at Police Station Badshahpur, District Gurugram, and all consequential proceedings arising therefrom.

The petitioner is the relative of complainant's husband. Keeping in view the fact that the complainant and her husband had entered into a compromise, they (along with present petitioner) were directed to appear before the Mediation and Conciliation Centre of this Court vide order dated 29.10.2022 passed in CRM-M No.634 of 2022. Pursuant thereto, a report dated 13.12.2022 has been received from the Mediation Centre, at Flag 'X', stating that the matter has been amicably settled between the parties.

3. Learned State counsel and learned counsel appearing on behalf of respondent 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.

6. A perusal of the allegations in the FIR as well as the aforesaid report establishes that the present cases fall 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. 503 dated 11.11.2019 under Sections 323, 34, 376-C, 406, 498-A and 506 IPC registered at Police Station Badshahpur, District Gurugram, and all consequential proceedings arising therefrom, are hereby quashed on the basis of settlement agreement arrived at between the parties in Mediation Case No. 1659 of 2022 passed in CRM-M No.634 of 2022 *qua* the petitioner.

(TRIBHUVAN DAHIYA)
JUDGE

14.2.2023

Ashwani

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