

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

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**CRM-M No. 5542 of 2022
Date of Decision : 10.2.2023**

Sukhwinder Singh alias Sukhmander Singh Virk and others *Petitioners*
versus

State of Punjab and another *Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Shivender, Advocate, for
Mr. Shranav Katyal, Advocate, for the petitioners

Mr. Harpreet Singh, Addl. AG, Punjab

Mr. Harkaran Singh, 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.177 dated 10.9.2016 under Sections 355, 323, 451 and 149 IPC (Section 354-B and 34 IPC added later on) registered at Police Station City South Moga, District Moga (Annexure P-1) and all consequential proceedings arising therefrom, in view of the compromise deed dated 16.12.2021 (Annexure P-2) entered into between the petitioners 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 9.2.2022. Pursuant thereto, a report dated 25.2.2022 has been received from Judicial Magistrate Ist Class, Moga, 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 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. On similar lines is another judgment of the Supreme Court in *Shiji v. Radhika*, 2012 (1) SCC (Criminal) 101, wherein criminal proceedings for offences under Sections 354 and 394 IPC were quashed since the parties had entered into a compromise and there were no chances of conviction.

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.177 dated 10.9.2016 under Sections 355, 323, 451 and 149 IPC (Section 354-B and 34 IPC added later on) registered at Police Station City South Moga, District Moga (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners.

(TRIBHUVAN DAHIYA)
JUDG

10.2.2023

Ashwani

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