

2023:PHHC:070148

CRM-M-5795-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-5795-2023

Date of Decision:-May 15, 2023

Rahul Kumar and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Ms. Ruhani Chadha, Advocate for the petitioners.

Mr. Pankaj Khullar, AAG, Punjab.

Ms. Ramandeep Kaur, Advocate for
Mr. Rahul Bhargava, Advocate for respondents No.2 & 3.

ALOK JAIN, J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 174 dated 17.09.2017, registered under Sections 323, 324 and 149 of Indian Penal Code (Section 354 IPC added later on), at Police Station Division No.8, District Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 26.09.2017 (Annexure P-2).

2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 06.02.2023 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 22.02.2023 has been received from the Judicial Magistrate 1st Class, Jalandhar, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

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3. Learned State Counsel and learned counsel appearing on behalf of respondents No.2 & 3 admit the factum of compromise and submit that they have no objection to quashing of the FIR on that basis.

4. Perusal of the aforesaid report establishes that the parties have amicably settled their dispute, and continuance of criminal prosecution in such a situation will be an exercise in futility, as the chances of ultimate conviction are bleak. The power under Section 482 Cr.P.C. can be exercised in such matters. It has been held by 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 406 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.

5. Consequently, this petition is allowed. FIR No. 174 dated 17.09.2017, registered under Sections 323, 324 and 149 of Indian Penal Code (Section 354 IPC added later on), at Police Station Division No.8, District Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed qua the petitioners, subject to payment of cost of Rs. 10,000/- to be deposited by the petitioners jointly and Rs. 10,000/- to be deposited by respondents No.2 & 3 collectively within one month from today in the following account:-

Account Name – Punjab and Haryana High Court Bar Association Lawyer’s Family Welfare Fund.

Account No. - 41564846387

Bank Name – SBI High Court Branch.

**(ALOK JAIN)
JUDGE**

May 15, 2023

Parul

Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No