

CRM-M-5957-2021 (O&M)

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

(252)

CRM-M-5957-2021 (O&M)

Date of Decision:-**January 20, 2023**

Malkit Kumar

.....Petitioner

Versus

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sanjeev Kumar, Advocate for
Mr. Parminder Walia, Advocate for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Manoj K. Sharma, Advocate for respondent No.2.

ALOK JAIN, J. (Oral)

CRM-34153-2022

Judgment and decree of divorce under Section 13-B of Hindu Marriage Act is taken on record as Annexure P4 and exemption is granted as prayed for.

Application stands allowed.

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The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 20 dated 06.02.2018, registered under Sections 323, 406, 506 and 498-A of Indian Penal Code at Police Station Raipur Rani, District Panchkula (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 04.02.2021 (Annexure P-2).

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Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 10.02.2021 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 22.03.2021 has been received from Judicial Magistrate 1st Class, Panchkula, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

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.

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.

Consequently, this petition is allowed. FIR No. 20 dated 06.02.2018, registered under Sections 323, 406, 506 and 498-A of Indian Penal Code at Police Station Raipur Rani, District Panchkula (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioner, subject to payment of cost of ₹ 15,000/- each to

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be deposited by the petitioner as well as respondent No. 2 within two months 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

January 20, 2023
Parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No