

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

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**CRM-M No. 5585 of 2023
Date of Decision : 17.3.2023**

Des Raj and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Satpreet Grewal Kapila, Advocate, for the petitioners
Mr. Harpreet Singh, Addl. AG, Punjab
Mr. Ajay Chaudhari, Advocate, for
Mr. Raman Kumar, Advocate, for respondent no.2/complainant

TRIBHUVAN DAHIYA J. (ORAL):

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.2 dated 5.1.2019 under Sections 417, 420, 376, 494 and 120-B IPC registered at Police Station Dasyua, District Hoshiarpur (Annexure P-1), and all consequential proceedings arising therefrom, in view of the compromise deed dated 27.1.2023 (Annexure P-2) entered into between the petitioners and the complainant to settle their disputes in question.

2. As per the allegations, the complainant was married to petitioner no.3 on 6.9.2018 and a child was born out of the wedlock. Subsequently, she came to know that her husband/petitioner no.3 was married to another lady Shama, and had solemnized second marriage with her (the complainant) in connivance with co-accused/in-laws only to cheat and ruin her life. Apparently, the FIR in question is an outcome of family disputes between the complainant and her husband. The two stayed together as married couple, and bore a child too. Still, commission of offence under Section 376 IPC was alleged. Besides, now the matter stands settled and the parties are again staying together in the

matrimonial home.

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 the 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 the aforementioned judgments. The petitioners have no criminal antecedents. The offences alleged are not heinous in nature and cannot

be termed as crime against the society; nor do they show mental depravity of the petitioners. 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.2 dated 5.1.2019 under Sections 417, 420, 376, 494 and 120-B IPC registered at Police Station Dasyua, District Hoshiarpur (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioner.

8. Pending miscellaneous application(s), if any, stands disposed of accordingly.

(TRIBHUVAN DAHIYA)
JUDGE

17.3.2023
Ashwani

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