

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

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**CRM-M No. 6310 of 2023
Date of Decision : 1.5.2023**

*Rajat Bhatti and others**..... Petitioners**versus**State of Punjab and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. G.S. Randhawa, Advocate, for the petitioners

Mr. Harpreet Singh, Addl. AG, Punjab

Mr. Amrit Pal Nahar, Advocate, for respondents no.2 and 3

TRIBHUVAN DAHIYA J. (ORAL):

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.176 dated 11.11.2019 under Sections 363 and 366-A IPC (Section 376 IPC and Sections 6 and 17 of POCSO Act added later on) registered at Police Station City Nawanshahr, District SBS Nagar (Annexure P-1), and all consequential proceedings arising therefrom, in view of the compromise deed dated 25.1.2023 (Annexure P-3), entered into between the petitioners and the complainant to settle their disputes in question.

2. As per the compromise entered into between the parties, they have resolved their disputes and are staying together as husband and wife alongwith the child. The FIR lodged on a complaint of the victim's mother, as she was against relations between the petitioner and her daughter/victim. These facts were verified by the State also. Accordingly, they were directed to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard, vide order dated 16.3.2023. Pursuant thereto, a report dated

19.4.2023 has been received from Additional Sessions Judge, SBS Nagar, at Flag 'X', stating that the compromise arrived at between the parties is without any pressure, coercion or undue influence. There is no criminal case pending against the petitioners, nor have they been declared proclaimed persons.

3. Learned State counsel and learned counsel appearing on behalf of respondent No.2-complainant and respondent no.3 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 is predominately of private nature, 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. 176 dated 11.11.2019 under Sections 363 and 366-A IPC (Section 376 IPC and Sections 6 and 17 of POCSO Act added later on) registered at Police Station City Nawanshahr, District SBS Nagar, and all consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

(TRIBHUVAN DAHIYA)
JUDGE

1.5.2023
Ashwani

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