

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 263

Criminal Miscellaneous No.M-8993 of 2022**Date of Decision: February 02, 2023**Pushpinder Sharma @ Kamal Sharma

..... PETITIONER(S)

VERSUS

State of Punjab and another

..... RESPONDENT(S)

...

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

...

PRESENT: - Mr. Raj Karan Singh Verka, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

Mr. Neeraj Yadav, Advocate for
respondent No.2.

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Tribhuvan Dahiya, J (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0049 dated 19.09.2018, registered under Sections 354, 341 & 506 IPC (Sections 420, 468, 384 IPC and Sections 66-E, 67, 67-A of IT Act added later on vide GDR No.040 dated 24.09.2018), at Police Station Ranjit Avenue, District Police Commissionerate, Amritsar (Annexure P-1) and all consequential proceedings arising therefrom, in view of the compromise, dated 07.02.2022 (Annexure P-3), entered into between the petitioner(s) 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 04.03.2022. Pursuant thereto, a report dated 11.04.2022 has been received from Judicial Magistrate Ist Class, Amritsar, 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 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 *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. 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.

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.

6. A perusal of the allegations in the FIR as well as the aforesaid report establishes that the present case 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. 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.0049 dated 19.09.2018, registered under Sections 354, 341 & 506 IPC (Sections 420, 468, 384 IPC and Sections 66-E, 67, 67-A of IT Act added later on vide GDR No.040 dated 24.09.2018), at Police Station Ranjit Avenue, District Police Commissionerate, Amritsar (Annexure P-1) and all consequential proceedings arising therefrom are hereby quashed *qua* the petitioner.

(Tribhuvan Dahiya)
Judge

February 02, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No