

CRM-M-8076-2020 (O&M)

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

(135)

**CRM-5039-2023 in/and
CRM-M-8076-2020 (O&M)
Date of Decision:-February 06, 2023**

Sachin

.....Petitioner

Versus

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Manoj Kaushik, Advocate for the petitioner.

ALOK JAIN, J. (Oral)

CRM-5035-2023

Prayer in the application is for placing on record the copy of judgment and decree dated 04.09.2020 passed by learned Additional Principal Judge, Family Court, Gurugram, as Annexure P-4.

Application is allowed as prayed for, subject to all just exceptions. Annexure P-4 is taken on record.

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Prayer in the application is for preponement of the date of hearing in the petition, which has been listed for 25.05.2023

Notice in the application.

Mr.Praveen Bhadu, AAG Haryana, present in the Court, accepts notice on behalf of the respondent-State.

Mr. Bhisham Kumar, Advocate, appearing on behalf of Mr. Shiv Shankar Bhardwaj, Advocate, present in the Court, accepts notice on

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behalf of respondent No.2 and submits that in fact, a mutual divorce has already been granted between the parties and raises no objection if the matter is preponed.

In view of the above, the application is allowed and the petition is preponed to today itself and taken on Board for hearing.

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The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 188 dated 14.03.2015, registered under Sections 323, 342, 498-A, 313, 506 and 120-B of Indian Penal Code at Police Station Civil Lines Gurgaon, District Gurugram (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 15.02.2020 (Annexure P-2).

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 25.02.2020 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 02.11.2021 has been received from the Civil Judge (Jr. Divn.)-cum-Judicial Magistrate 1st Class, Gurugram, 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

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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. 188 dated 14.03.2015, registered under Sections 323, 342, 498-A, 313, 506 and 120-B of Indian Penal Code at Police Station Civil Lines Gurgaon, District Gurugram (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner, subject to payment of cost of Rs. 15,000/- to be deposited by the petitioner and Rs.15,000/- to be deposited by respondent No. 2 within 15 days 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**

February 06, 2023

Parul

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