

2023:PHHC:086668

**CRM-M-10124-2023
and CRM-M-7180-2023**

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

229 (2 cases)

Date of Decision:-**June 02, 2023**

(1) CRM-M-10124-2023

Tejinder Singh

.....Petitioner

Versus

State of Punjab and another

...Respondents

(2) CRM-M-7180-2023

Manjit Singh and another

.....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. P.S. Dhaliwal, Advocate
for the petitioner(s) in both cases.

Mr. Kuldeep Singh, AAG, Punjab.

Mr. Supneet Singh, Advocate for respondent No.2.

ALOK JAIN, J.(Oral)

1 The abovesaid petitions are being disposed of together as they arise out of a common FIR No. 79 dated 14.11.2021 under Sections 498-A and 406 IPC 1860 registered at P.S. Rureke Kalan, District Barnala (Annexure P-1). CRM-M-10124-2023 is at the behest of accused Tejinder Singh whereas CRM-M-7180-2023 is at the behest of accused Manjit Singh and Harinder Kaur for quashing of FIR No. 79 dated 14.11.2021 under Sections 498-A and 406 IPC 1860 registered at P.S. Rureke Kalan, District

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Barnala and all consequential proceedings arising therefrom, on the basis of compromise dated 11.10.2022 (Annexure P-2).

2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 28.02.2023 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, separate reports dated 20.03.2023 and 29.05.2023 have been received from the Additional Civil Judge (Sr. Divn.), Barnala and Judicial Magistrate 1st Class, Barnala respectively, wherein it is stated that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

3. Learned State Counsel and learned counsel for respondent No.2 admit the factum of compromise and submit that they have no objection to quashing of the FIR on that basis.

4. 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.

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5. Consequently, the petitions are allowed. FIR No. 79 dated 14.11.2021 under Sections 498-A and 406 IPC 1860 registered at P.S. Rureke Kalan, District Barnala (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner(s), subject to payment of cost of Rs. 10,000/- to be deposited by the petitioner and Rs. 10,000/- to be deposited by respondent No.2 in CRM-M-10124-2023. Rs. 10,000/- to be deposited by the petitioners jointly and Rs. 10,000/- to be deposited by respondent No.2 in CRM-M-7180-2023, 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.

6. Photocopy of this order be placed on the file of abovementioned connected case.

**(ALOK JAIN)
JUDGE**

June 02, 2023

Parul

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