

CRM-M-9171-2020 (O&M)

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

(272)

CRM-M-9171-2020 (O&M)

Date of Decision:-February 06, 2023

Parmod Kumar

.....Petitioner

Versus

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Mohit Garg, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Rajveer Singh, Advocate for
Mr. Ashish Yadav Advocate for respondent No. 2.

ALOK JAIN, J. (Oral)

CRM-27534-2022

Prayer in the application is for placing on record the copy of marriage certificate as Annexure P-5 and copy of medical reports as Annexure P-6.

Application is allowed as prayed for, subject to all just exceptions. Annexures P-5 and P-6 are taken on record respectively.

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The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 0069 dated 07.06.2019, registered under Sections 323, 376 and 506 of Indian Penal Code at Police Station Women Police Station, Ballabhgarh, District Faridabad (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

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Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 31.03.2021 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 06.04.2021 has been received from the Additional District and Sessions Judge, Faridabad, 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 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. 0069 dated 07.06.2019, registered under Sections 323, 376 and 506 of Indian Penal Code at Police Station Women Police Station, Ballabhgarh, District Faridabad (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner, subject to payment of cost

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of Rs. 10,000/- to be deposited by the petitioner as well as respondent No.2 jointly within one month 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