

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

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CRM-M No. 11682 of 2023
Date of Decision : 24.5.2023

Rakhi Chauhan and others *Petitioners*
versus
State of Haryana and others *Respondents*

CRM-M No. 11571 of 2023

Seema Kanwar and others *Petitioners*
versus
State of Haryana and others *Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Rakesh Gupta, Advocate, for the petitioners
(in CRM-M No. 11571 of 2023)
for the private respondents (in CRM-M No. 11682 of 2023)

Ms. Trishanjali Sharma, DAG, Haryana

Mr. Ram Kumar Saini, Advocate, for respondents no.2 and 3
(in CRM-M No. 11682 of 2023)
for the petitioners (in CRM-M No. 11571 of 2023)

TRIBHUVAN DAHIYA J. (ORAL):

The instant petitions have been filed under Section 482 Cr.P.C. seeking quashing of FIR No.122 dated 12.8.2017 under Sections 148, 149, 323, 427, 440, 452, 506, 509 IPC registered at Police Station Barara, District Ambala (Annexure P-1), and cross version case registered under Sections 148, 149, 323, 506 and 325 IPC (Section 307 IPC added and Section 325 deleted later on) Police Station Barara, District Ambala, on the statement of Gaurav son of Pitamber, alongwith all consequential proceedings arising therefrom, in view of the compromise deed dated 16.1.2023 (Annexure P-2) entered into between the petitioners and the complainant to settle their disputes in question.

2. As the parties entered into a compromise to resolve their disputes which led to registration of the criminal case, they were directed to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard, vide orders dated 9.3.2023. Pursuant thereto, a report dated 19.4.2023 has been received from Additional District & Sessions Judge, Ambala, at Flag 'A' (in CRM-M No. 11571 of 2023), 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 the private respondents 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. The power is not confined to matrimonial disputes alone.

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 cases are 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, these petitions are allowed. FIR No.122 dated 12.8.2017 under Sections 148, 149, 323, 427, 440, 452, 506, 509 IPC registered at Police Station Barara, District Ambala, and cross version case registered under Sections 148, 149, 323, 506 and 325 IPC (Section 307 IPC added and Section 325 deleted later on) Police Station Barara, District Ambala, and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners.

(TRIBHUVAN DAHIYA)
JUDGE

24.5.2023

Ashwani

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