

CRM-M-14207-2021

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

(280)

CRM-M-14207-2021

Date of Decision:-February 28, 2023

Hardarshan Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Amit Arora, Advocate for the petitioners.

Mr. Shiva Khurmi, AAG, Punjab.

ALOK JAIN, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 59 dated 06.05.2017, registered under Sections 363, 366 and 380 of Indian Penal Code, 1860 and Sections 25, 27, 54 and 59 of the Arms Act, 1959, at Police Station Sadar, Tarn Taran, District Tarn Taran (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

In compliance of order dated 26.03.2021, short reply by way of an affidavit of Mr. Arun Sharma, PPS, Deputy Superintendent of Police, Sub Division Khadur Sahib Camp at Goindwal Sahib, District Tarn Taran has been filed on behalf of respondent No.1/State of Punjab, which is taken on record. Copy thereof is also supplied to the learned counsel for the parties in Court today itself.

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Proxy Counsel has appeared and filed Power of Attorney of Mr. Parminder Singh Kanwar, Advocate, on behalf of respondent No.2. The same is taken on record.

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 26.03.2021, directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 02.06.2021 has been received from the Additional Chief Judicial Magistrate, Tarn Taran, 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. 59 dated 06.05.2017, registered under Sections 363, 366 and 380 of Indian Penal

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Code, 1860 and Sections 25, 27, 54 and 59 of the Arms Act, 1959, at Police Station Sadar, Tarn Taran, District Tarn Taran (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed qua the petitioners, subject to payment of cost of Rs. 15,000/- to be deposited by the petitioners jointly and Rs. 5,000/- to be deposited by respondent No.2 within two weeks 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 28, 2023

Parul

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