

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

Sr. No.210

CRM-M-13137-2022

Date of Decision: 10.01.2023

Ajay Pal Singh @ Ajay and another

.... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Naveen Bawa, Advocate
for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Vishnu Dutt, Advocate
for respondents No.2 to 4.

TRIBHUVAN DAHIYA, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0002 dated 03.01.2022, registered under Sections 363 and 366 of IPC at Police Station Kamboj, District Amritsar Rural (Annexure P-1) and all consequential proceedings arising therefrom, in view of the compromise dated 03.03.2022 (Annexure P-2).

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 10.05.2022 directed the Illaqa Magistrate concerned to record the statements of the parties in that regard and send the report to this Court. Pursuant thereto, a report dated 15.07.2022 has been received from Judicial Magistrate 1st Class, Amritsar, at Flag 'A', stating that the compromise arrived at between the parties is without any pressure, coercion or undue influence.

Learned State counsel and learned counsel appearing on behalf of respondents No.2 to 4 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 466 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.0002 dated 03.01.2022, registered under Sections 363 and 366 of IPC at Police Station Kamboj, District Amritsar Rural and all consequential proceedings arising therefrom are hereby quashed *qua* the petitioners.

(TRIBHUVAN DAHIYA)
JUDGE

10.01.2023
Maninder

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