

2023:PHHC:066606

CRM-M-15872-2021

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

263/2

CRM-M-15872-2021

Date of Decision:-**May 08, 2023**

Tajinder Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Vivek K. Thakur, Advocate for the petitioners.

Mr. Pankaj Khullar, AAG, Punjab

Mr. Yugank Goyal, Advocate for respondent No.2.

ALOK JAIN, J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 02 dated 11.03.2021, registered under Sections 406 and 498-A of Indian Penal Code at Police Station NRI, Kapurthala (Annexure P-3) and all consequential proceedings arising therefrom, on the basis of compromise/agreement dated 12.03.2020 (Annexure P-1).

2. Learned counsel for the petitioners submits that during the pendency of the present petition, the parties have been granted the decree of divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act on 06.07.2022.

3. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 17.08.2021 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 06.10.2021 has been received from the Additional Chief Judicial Magistrate, Kapurthala,

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stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

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

5. 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.

6. Consequently, this petition is allowed FIR No. 02 dated 11.03.2021, registered under Sections 406 and 498-A of Indian Penal Code at Police Station NRI, Kapurthala (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners, subject to payment of cost of Rs. 10,000/- each to be deposited by the petitioners and Rs. 10,000/- to be deposited by respondent No.2 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**

May 08, 2023

Parul

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No