

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 114

Criminal Miscellaneous No.M-14853 of 2023 (O&M)

Date of Decision: May 05, 2023

Aman Mukhija

..... PETITIONER(S)

VERSUS

State of Haryana and another

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

. . .

PRESENT: - Mr. Rahul Bhargava, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. Prikshit Thakur, Advocate for respondent No.2.

. . .

Tribhuvan Dahiya, J (Oral)

CRM-19442-2023

Application is allowed.

Accordingly, the date of hearing of the main case is advanced to today and the main petition is taken on board today itself.

Main case

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.294 dated 14.11.2021, registered under Sections 323, 34, 377, 498-A, 406, 506 of IPC, 1860 (offence under Sections 377 and 34 of IPC, 1860 deleted later on), at Police Station Women Cell, Sector-21, NIT Faridabad (Annexure P-1) and all consequential proceedings arising therefrom, in view of the compromise, dated 18.03.2023 (Annexure P-2), entered into between the petitioner(s) 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 order dated 23.03.2023. Pursuant thereto, a report dated 13.04.2023 has been received from Judicial Magistrate 1st Class, Faridabad, at Flag 'A', 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 petitioner, nor has he been declared proclaimed person(s).

3. 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.

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.

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 case, arising out of matrimonial

relationship, 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 petitioner has 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 petitioner. 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, this petition is allowed. FIR No.294 dated 14.11.2021, registered under Sections 323, 34, 377, 498-A, 406, 506 of IPC, 1860 (offence under Sections 377 and 34 of IPC, 1860 deleted later on), at Police Station Women Cell, Sector-21, NIT Faridabad and all consequential proceedings arising therefrom are hereby quashed *qua* the petitioner.

(Tribhuvan Dahiya)
Judge

May 05, 2023
payal

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No