

(265)

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

CRM-M-16935-2022

Date of Decision:11.05.2023

Gurver Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present : Mr. Vidit Bansal, Advocate for the petitioners.

Mr. Harpreet Singh, Addl. A.G. Punjab.

Mr. Prabhdeep Singh Toor, Advocate for respondent No.2.

TRIBHUVAN DAHIYA, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.145 dated 12.10.2018 registered under Sections 406, 498-A, 506 of Indian Penal Code, 1860 at Police Station Payal, District Khanna (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise/mutual divorce decree dated 27.07.2021 (Annexure P-2).

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 12.09.2022. Pursuant thereto, a report dated 06.04.2023 has been received from Sub Divisional Judicial Magistrate, Payal, 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 petitioners, nor have they 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 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,

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.145 dated 12.10.2018 registered under Sections 406, 498-A, 506 of Indian Penal Code, 1860 at Police Station Payal, District Khanna (Annexure P-1) and all consequential proceedings arising therefrom are hereby quashed *qua* the petitioners.

11.05.2023
rajeev

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No