

CRM-M-18551-2019

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

(285)

CRM-M-18551-2019

Date of Decision:-27.03.2023

Sukhdev Singh and Ors.

.....Petitioners

Versus

State of Punjab and Anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. P.S. Brar, Advocate for the petitioners.

Mr. Pankaj Khullar, AAG, Punjab.

Mr. G.S. Simble, Advocate for respondent No.2.

ALOK JAIN, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.78 dated 08.09.2018, registered under Sections 376/354-C/506 of IPC at Police Station Baja Khana District Faridkot (Annexure P-1) and subsequent proceeding arising therefrom on the basis of compromise.

Keeping in view the fact that the parties entered into a settlement, this Court vide order dated 28.01.2020 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 04.03.2020 has been received from Judicial Magistrate First Class, Faridkot, 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.

Learned State counsel has submitted that, in fact, the cancellation report in the present FIR was duly submitted before the competent Court, which did not accept the same and has ordered for further investigation. However, in the light of the fact that the parties have married and have been blessed with the child, no useful purpose would be served by keeping the present proceedings pending, which could cause disharmony between the parties.

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.

It has been further held by Supreme Court of India in case titled as “*Kapil Gupta Vs. State of NCT of Delhi and Anr.* decided on 10.08.2022 and by Karnataka High Court in case titled as “*Sathish K. and*

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Ors. Vs. State of Karnataka” decided on 23.05.2022 that in peculiar facts and circumstances of the case, an FIR under Section 376 can be quashed on account of settlement/compromise between the parties

Consequently, this petition is allowed. FIR No.78 dated 08.09.2018, registered under Sections 376/354-C/506 of IPC at Police Station Baja Khana District Faridkot (Annexure P-1) and subsequent proceeding arising therefrom, are hereby quashed *qua* the petitioners subject to cost of ₹10,000/- to be paid by the petitioners jointly and cost of ₹10,000/- to be paid by respondent No.2 within a period of one month from today. The cost shall be deposited 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**

27.03.2023

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