

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 115

Criminal Miscellaneous No.M-18579 of 2019 (O&M)

Date of Decision: May 26, 2023

Chandan Rajput

..... PETITIONER(S)

VERSUS

State of Punjab and others

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

. . .

PRESENT: - Mr. Mohit Sadana, Advocate for the applicant/petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

Mr. B.K. Bhangu, Advocate for Mr. Chetan Kapoor,
Advocate for the complainant/respondent No.4.

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Tribhuvan Dahiya, J. (Oral)

CRM-33806-2022

This is an application for placing on record marriage certificate in view of the order dated 10.05.2022 passed by this Court.

The application is allowed. Copy of marriage certificate dated 08.08.2019 is taken on record as Annexure A-1, subject to all just exceptions.

Main case

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.17 dated 13.03.2017, registered under Sections 363, 366-A IPC, at Police Station Longowal, District Sangrur (Annexure P-1) and all consequential proceedings arising therefrom, in view of the compromise/affidavit, dated 08.04.2019 (Annexure P-4), entered into between the petitioner(s) and the complainant to settle their disputes in

question.

2. Learned counsel for the petitioner contends that the parties are now married and staying together. Copy of marriage certificate has been placed on record as Annexure A-1.

3. 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 03.07.2019. Pursuant thereto, a report dated 04.09.2019 has been received from Additional District & Sessions Judge, Sangrur, 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).

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

5. 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.

6. 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.

7. A perusal of the allegations in the FIR as well as the aforesaid report establishes that the present case, is predominantly of private nature, and 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.

8. Consequently, this petition is allowed. FIR No.17 dated 13.03.2017, registered under Sections 363, 366-A IPC, at Police Station Longowal, District Sangrur and all consequential proceedings arising therefrom are hereby quashed *qua* the petitioner.

(Tribhuvan Dahiya)
Judge

May 26, 2023
Payal

<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>