

CRM-M-23392-2022

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

(275)

CRM-M-23392-2022

Date of Decision:-January 30, 2023

Kuber Pahwa and others

.....Petitioners

Versus

State of UT Chandigarh and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Shekhar Verma, Advocate for the petitioners.

None for respondent No.1

Mr. Tribhawan Singla, 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. 0018 dated 29.01.2022, registered under Sections 354, 406, 498-A, 376-B, 377 and 506 of Indian Penal Code at Women Police Station Chandigarh (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 11.05.2022 (Annexure P-3).

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 26.05.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 15.07.2022 has been received from the Additional Sessions Judge, Fast Track Special Court, Chandigarh, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

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Learned counsel appearing on behalf of respondent No.2-complainant admit the factum of compromise and submit that he has no objection to quashing of the FIR on that basis.

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.

Consequently, this petition is allowed. FIR No. 0018 dated 29.01.2022, registered under Sections 354, 406, 498-A, 376-B, 377 and 506 of Indian Penal Code at Women Police Station Chandigarh (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners, subject to payment of cost of ₹ 25,000/- to be deposited by the petitioners jointly and ₹ 25,000/- to be deposited by respondent No.2 within two months 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.

It is made clear that the parties shall remain bound by the terms and conditions and the statements recorded and will also co-operate with each other for substantive compliance of the compromise arrived at between them.

**(ALOK JAIN)
JUDGE**

January 30, 2023

Parul

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