

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

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CRM-M-23525-2023

DECIDED ON: 10.05.2023

Nishan Singh and another

.....Petitioners

VERSUS

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Ms. Prabhjot Kaur, Advocate, for the petitioners.

SANJEEV PRAKASH SHARMA, J (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.109 dated 12.12.2022, registered under Sections 406, 498-A IPC, Police Station Women Cell, District Patiala, Punjab (Annexure P-1) and all consequential proceedings arising therefrom, in view of the compromise, dated 09.01.2023 (Annexure P-2), entered into between the petitioner(s) and the complainant to settle their disputes in question.

2. Notice of motion.

3. Mr.Jaiteshwar S.Bhandari, AAG, Punjab, who is present in Court, accepts notice on behalf of respondent no.1-State and seeks time to file reply, if any.

4. At this stage, Mr. Riffi Birla, Advocate, has put in appearance on behalf of respondents no.2 and 3 and filed power of attorney, which is taken on record.

5. As the parties entered into a compromise to resolve their disputes which led to registration of the criminal case, they had appeared before the Mediation Centre, District Court, Patiala and Settlement Agreement dated 09.01.2023 entered between them.

6. 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. On similar lines is another judgment of the Supreme Court in **Shiji v. Radhika, 2012 (1) SCC (Criminal) 101**, wherein criminal proceedings for offences under Sections 354 and 394 IPC were quashed since the parties had entered into a compromise and there were no chances of conviction.

7. 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.

8. A perusal of the allegations in the FIR as well as the aforesaid report establishes that the present case, arising out of matrimonial relationship 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 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, 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.

9. Consequently, this petition is allowed and FIR No.109 dated 12.12.2022, registered under Sections 406, 498-A IPC, Police Station Women Cell, District Patiala, Punjab (Annexure P-1) and all consequential proceedings arising therefrom, in view of the compromise, dated 09.01.2023 (Annexure P-2) are hereby quashed.

(SANJEEV PRAKASH SHARMA)
JUDGE

10.05.2023
mamta

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No