

CRM-M-47478-2017 (O&M)

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

(244)

CRM-M-47478-2017 (O&M).
Date of Decision:-11.01.2023.

Dharminder Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Gurmeet Singh Saini, Advocate for the petitioners.

Mr. Sarabjeet Singh Cheema, DAG, Punjab.

Mr. Balraj Singh Sidhu, 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.08 dated 17.04.2016, registered under Sections 406 and 498-A of IPC at Police Station Women Cell, Ferozepur (Annexure P-1) and all consequential proceedings arising therefrom, in view of the Panchayati Compromise dated 05.12.2017 (Annexure P-2).

Learned counsel for the State submits that accused No.2 and 3, namely, Santokh Singh and Lakhwinder Kaur have since been acquitted by the learned trial Court vide judgment dated 01.03.2018 and accused Nos.4 and 5, namely, Rajwinder Kaur and Harjinder Kaur, have been declared innocent during investigation. It is only petitioner No.1-Dharminder Singh, who was accused facing trial.

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 21.01.2020 directed the parties to appear before the trial Court for getting their statements recorded in that regard. Pursuant thereto, a

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report dated 12.03.2020 has been received from Chief Judicial Magistrate, Ferozepur, stating that the compromise arrived at between the parties is genuine, 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.

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 466 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.08 dated 17.04.2016, registered under Sections 406 and 498-A of IPC at Police Station Women Cell, Ferozepur (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* petitioner No.1.

Pending miscellaneous application shall also stand disposed of.

(ALOK JAIN)
JUDGE

January 11, 2023.

Sandeep

Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No