

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

124

CRM-M-24894-2023

DECIDED ON:16.05.2023

Mohit Kumar and others

.....Petitioners

VERSUS

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.Manoj Kumar Pundir, Advocate, for the petitioners.

Mr. Surender Singh AAG, Haryana.

Mr. Aditya Pratap Singh, Advocate for respondent No.2.

SANJEEV PRAKASH SHARMA, J (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.183 dated 19.05.2016, registered under Sections 313, 323, 354, 377, 406, 498-A and 506 IPC (Sections 313, 323,354 IPC were deleted lateron), registered at Police Station Butana, District Karnal (Annexure P-1) and all consequential proceedings arising therefrom, in view of the compromise, dated 31.07.2021 (Annexure P-2), entered into between the petitioners and the complainant to settle their disputes in question.

2. Counsel states that the parties have entered into a compromise and on the basis of the compromise they have already moved an application for seeking mutual divorce and the decree of divorce had already been granted. It is stated that one of the compromise condition was of getting the proceedings initiated under the FIR No.183 dated 19.05.2016 be also cancelled.

3. As the parties entered into a compromise to resolve their disputes which led to registration of the criminal case, they had appeared before the Additional Principal Judge (Family Court), Karnal and got dissolved their marriage by a decree of divorce by mutual consent dated 04.07.2020 (Annexure P-3). Compromise dated 31.07.2021 (Annexure P-2) effected between the parties regarding quashing of the impugned FIR.

4. It has been held by the Supreme Court of India in case **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.

5. A perusal of the allegations in the FIR as well as the compromise 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 judgment. 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.183 dated 19.05.2016, registered under Sections 313, 323, 354, 377, 406, 498-A and 506 IPC (Sections 313, 323,354 IPC were deleted lateron), registered at Police Station Butana, District Karnal (Annexure P-1) and all consequential proceedings arising therefrom, in view of the compromise, dated 31.07.2021 (Annexure P-2) are hereby quashed. Warrants are discharged.

16.05.2023
mamta

(SANJEEV PRAKASH SHARMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No