

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

Sr. No.264

Criminal Miscellaneous No.M-6778 of 2017

Date of Decision: 17.01.2023

Mohd. Shah and others

.... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. D.S. Sandhu, Advocate for the petitioners.

Ms. Mahima Yashpal, Deputy Advocate General, Haryana.

Ms. Mandeep Kaur, Advocate for respondent No.2.

TRIBHUVAN DAHIYA, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.878 dated 09.08.2016, registered under Sections 323, 406, 498, 506 of IPC (Annexure P-2), at Police Station Chandani Bagh, District Panipat and all subsequent proceedings arising therefrom, in view of the compromise dated 23.02.2017 (Annexure P-3).

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 15.03.2021, directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 09.04.2021 has been received from Additional Chief Judicial Magistrate, Panipat, at Flag 'A', stating that the compromise arrived at between the parties 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.878 dated 09.08.2016, registered under Sections 323, 406, 498, 506 of IPC, at Police Station Chandani Bagh, District Panipat and all subsequent proceedings arising therefrom are hereby quashed *qua* the petitioners.

(TRIBHUVAN DAHIYA)
JUDGE

17.01.2023
payal

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