

CRM-M-33110-2022

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

(284/1)

CRM-M-33110-2022

Date of Decision:-**January 23, 2023**

Mohit Gupta

.....Petitioner

Versus

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Mahesh Dheer, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Sandeep Siwach, 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. 1321 dated 15.11.2018, registered under Sections 323, 377, 406 and 498-A of Indian Penal Code, at Police Station Thana Sadar, Karnal(Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 20.06.2022(Annexure P-2).

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 03.11.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 11.01.2023 has been received from Chief Judicial Magistrate, Karnal, stating that the

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compromise arrived at between the parties is 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 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. 1321 dated 15.11.2018, registered under Sections 323, 377, 406 and 498-A of Indian Penal Code, at Police Station Thana Sadar, Karnal (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioner, subject to payment of cost of ₹ 25,000/-to be deposited by the petitioner 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.

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It is further directed that one of the conditions in the compromise was that the balance amount of Rs.2,50,000/- which has been deposited by the petitioner, will be released after the quashing of the present FIR.

Ordered accordingly.

Learned Trial Court is directed to release the amount of Rs.2,50,000/- under proper receipt to respondent No.2.

(ALOK JAIN)
JUDGE

January 23, 2023
Parul

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