

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 125

Criminal Miscellaneous No.M-29674 of 2022 (O&M)

Date of Decision: *May 22, 2023*

Rohit Kumar Sanotra and another

..... PETITIONER(S)

VERSUS

State of Punjab and another

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Kushagra Mahajan, Advocate for the petitioners.

Mr. Jashandeep Singh, AAG, Punjab.

Mr. Sandeep, Advocate for the complainant/
respondent No.2.

. . .

Tribhuvan Dahiya, J (Oral)

CRM-23042-2023

This is an application for placing on record copy of judgment and decree dated 03.12.2022 whereby the marriage between the parties has been dissolved under Section 13-B of Hindu Marriage Act as Annexure P-3.

The application is allowed. Judgment and decree of divorce by mutual consent granted to the parties dated 03.12.2022 is taken on record as Annexure P-3, subject to just exceptions.

CRM-M-29674-2022

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.62 dated 24.08.2018, registered under Sections 406, 498-A IPC, at Police Station Women, District Police Commissionerate, Amritsar (Annexure P-1) and all consequential proceedings arising therefrom, in view of the compromise, dated 18.05.2022 (Annexure P-2), entered into between the petitioner(s) and the complainant to settle their disputes in

question.

2. As the parties entered into a compromise to resolve their disputes which led to registration of the criminal case, they were directed to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard, vide order dated 18.08.2022. Pursuant thereto, a report dated 13.01.2023 has been received from Judicial Magistrate Ist Class, Amritsar, at Flag 'A', stating that the compromise arrived at between the parties is without any pressure, coercion or undue influence. There is no criminal case pending against the petitioners, nor have they been declared proclaimed person(s).

3. 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.

4. 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.

5. 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.

6. A perusal of the allegations in the FIR as well as the aforesaid

report establishes that the present case, arising out of matrimonial relationship, 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.

7. Consequently, this petition is allowed. FIR No.62 dated 24.08.2018, registered under Sections 406, 498-A IPC, at Police Station Women, District Police Commissionerate, Amritsar and all consequential proceedings arising therefrom are hereby quashed *qua* the petitioners.

(Tribhuvan Dahiya)
Judge

May 22, 2023
Payal

<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>