

CRM-2149-2023 in/and
CRM-M-29994-2022 (O&M)

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.128+290

CRM-2149-2023 in/and
CRM-M-29994-2022 (O&M)

Date of Decision: 18.01.2023

Gurwinder Singh

.... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Amit Kumar, Advocate
for the petitioner.

Mr. Harpreet Singh, Addl. A.G.Punjab.

Mr. L.S.Lakhanpal, Advocate for
Mr. K.S.Lakhanpal, Advocate
for respondent No.2.

TRIBHUVAN DAHIYA, J. (ORAL)

CRM-2149-2023

This is an application for placing on record the certified copy of judgment and decree of divorce dated 04.11.2022 as Annexure P-3 and also for grant of exemption from filing the typed copy of the same.

The application is allowed subject to all just exceptions and Annexure P-3 is taken on record.

CRM-M-29994-2022

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.40 dated 01.03.2019, registered under Sections 498-A, 406, 506, 323 and 377 of IPC at Police Station Sadar Khanna,

District Khanna (Annexure P-1) and all subsequent proceedings arising therefrom, in view of the compromise dated 22.04.2022 (Annexure P-2).

Keeping in view the fact that the parties entered into a compromise, vide order dated 24.08.2022 of this Court, parties were directed to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 17.10.2022 has been received from Judicial Magistrate 1st Class, Khanna, 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.40 dated 01.03.2019, registered under Sections 498-A, 406, 506, 323 and 377 of IPC

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CRM-M-29994-2022 (O&M)

3

at Police Station Sadar Khanna, District Khanna and all subsequent
proceedings arising therefrom are hereby quashed *qua* the petitioner.

(TRIBHUVAN DAHIYA)
JUDGE

18.01.2023
Maninder

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