

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

249+117

**CRM No. 11989 of 2023 in/and
CRM-M No. 31406 of 2022
Date of Decision : 17.3.2023**

Amit Manocha

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ashwani Gaur, Advocate, for the petitioner
Ms. Ankita Ahuja, AAG, Haryana
Mr. A.S. Baweja, Advocate, for respondent no.2/complainant

TRIBHUVAN DAHIYA J. (ORAL):

CRM No. 11989 of 2023:

This is an application for placing on record judgment dated 31.8.2022 as Annexure P-5 in compliance of the order dated 7.12.2022 passed by this Court.

For the reasons mentioned in the application, it is allowed. Decree of divorce dated 31.8.2022 granted to the parties by way of mutual consent based on the compromise in question is taken on record as Annexure P-5.

CRM-M No. 31406 of 2022:

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.127 dated 28.12.2020 under Sections 323, 34, 354, 406, 498-A and 506 IPC registered at Women Police Station, Jind (Annexure P-1), and all consequential proceedings arising therefrom, in view of the compromise/decreed of divorce granted to the parties by way of mutual consent dated 31.8.2022 (Annexure P-5).

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 22.7.2022. Pursuant thereto, a report dated 12.9.2022 has been received from Judicial Magistrate 1st Class, Jind, 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. On similar lines is another judgment of the Supreme Court in *Shiji v. Radhika*, 2012 (1) SCC (Criminal) 101, wherein criminal proceedings for offences under Sections 354 and 394 IPC were quashed since the parties had entered into a compromise and there were no chances of conviction.

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 the matrimonial relationship, 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.127 dated 28.12.2020 under Sections 323, 34, 354, 406, 498-A and 506 IPC registered at Women Police Station, Jind (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioner.

**(TRIBHUVAN DAHIYA)
JUDGE**

17.3.2023
Ashwani

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