

2023:PHHC:053540

CRM-M-33352-2022

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

294

CRM-M-33352-2022

Date of Decision:-April 17, 2023

Vijay Randhawa and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Bhupinder Ghai, Advocate for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana

Complainant/respondent No.2 in person with
Mr. Dinesh Chander, Advocate.

ALOK JAIN, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 142 dated 16.06.2016, registered under Sections 323, 328, 147, 506, 354-A, 149 and 498-A of Indian Penal Code (subsequently charges were framed under Section 323, 328, 498-A, 406 and 506 IPC by learned ASJ, Gurugram vide charge sheet dated 23.03.2017) at Police Station Sector-55/56, District Gurugram (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 28.04.2022 (Annexure P-3).

Mr. Dinesh Chander, Advocate has put in appearance and filed his Vakalatnama on behalf of respondent No.2, which is taken on record.

Learned counsel for the petitioners has handed over a cheque bearing No.008289 dated 27.03.2023, amounting to Rs.8,00,000/-, drawn

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on AXIS Bank in the name of Neelam Jaiswal (respondent-wife) to the respondent, who is present in the Court and is duly identified by her counsel and photocopy of the same is supplied in Court today, which is taken on record.

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 13.12.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 16.01.2023 has been received from the Additional District and Sessions Judge, Gurugram, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

Learned State Counsel, learned counsel for respondent No.2 and complainant in person, who is present in Court today, 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

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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. 142 dated 16.06.2016, registered under Sections 323, 328, 147, 506, 354-A, 149 and 498-A of Indian Penal Code (subsequently charges were framed under Section 323, 328, 498-A, 406 and 506 IPC by learned ASJ, Gurugram vide charge sheet dated 23.03.2017) at Police Station Sector-55/56, District Gurugram (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners, subject to payment of cost of Rs. 10,000/- each to be deposited by the petitioners and Rs. 15,000/- to be deposited by respondent No.2 within one month 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.

**(ALOK JAIN)
JUDGE**

April 17, 2023

Parul

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No