

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(282)

CRM-M-36270-2022
Date of Decision:-22.02.2023

Mohinder Singh and Ors.

.....Petitioners

Versus

State of Punjab and Anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Narinder Sharma, Advocate for the petitioners.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

Mr. Karan Singh, Advocate for
Mr. R.K.Choudhary, Advocate for respondent No.2.

ALOK JAIN, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing/setting aside of complaint No.8 dated 25.01.2013 filed by respondent No.2 under Section 406, 498A IPC (Annexure P-2) and summoning order dated 09.07.2013 (Annexure P-3) as well as all the consequential proceedings arising therefrom including the judgment and order of conviction dated 25.09.2019 passed by JMIC Patiala, Punjab (Annexure P-4) on the basis of compromise/undertaking dated 29.04.2022 (Annexure P-6).

Keeping in view the fact that the parties entered into a settlement dated 29.04.2022, this Court vide order dated 18.08.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 17.11.2022 has been received from Judicial Magistrate 1st Class, Patiala, 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 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. Complaint No.8 dated 25.01.2013 filed by respondent No.2 under Section 406, 498A IPC (Annexure P-2) and summoning order dated 09.07.2013 (Annexure P-3) as well as all the consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners subject to cost of ₹ 5,000/- each to be paid by the petitioners and the cost of ₹ 10,000/- to be paid by respondent No.2 within one month from today. The cost shall be deposited 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**

22.02.2023

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