

CRM-M-37123-2022

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

(282)

CRM-M-37123-2022

Date of Decision:-February 23, 2023

Bimal Kumar and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Parth Goel, Advocate for
Mr. P.S. Sekhon, Advocate for the petitioners.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Rajdeep Singh Gill, Advocate for respondent No.2.

ALOK JAIN, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 125 dated 08.10.2019 registered under Sections 498-A, 406, 323 and 34 of Indian Penal Code, 1860, at Police Station Moonak, District Sangrur (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise deed dated 02.08.2022 (Annexure P-2).

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 22.08.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 02.11.2022 has been received from the Sub-Divisional Judicial Magistrate, Moonak, Sangrur (Punjab), stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence and has also been submitted that out of three accused one Sh. Radhey Shyam has since expired and the present petition is at the behest of the remaining petitioners.

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Learned State Counsel and learned counsel for 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. FIR No. 125 dated 08.10.2019 registered under Sections 498-A, 406, 323 and 34 of Indian Penal Code, 1860, at Police Station Moonak, District Sangrur (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

Since, the parties have reconciled the matter and respondent No.2 has joined the company of petitioner No.1, therefore, learned counsel for the petitioners prays that the cost be imposed on petitioner No.1 only. Thus, the payment of cost of Rs. 10,000/- to be paid by petitioner No.1 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**

February 23, 2023

Parul

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