CRM-M-37672-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(265)

CRM-M-37672-2022
Date of Decision:-**January 31, 2023**

Ketan Nanda and another

……Petitioners

Versus

State of Punjab and Another

……Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

****

Present: Mr. Nitin Sachdeva, Advocate for the petitioners.

Mr. S.S. Cheema, DAG, Punjab.

Mr. Kinshuk Nanda, Advocate and
Ms. Deepika Choudhary, 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. 115 dated 14.11.2021, registered under Sections 406 and 498-A of Indian Penal Code at Police Station Women, District Police Commissionerate Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 01.07.2022 (Annexure P-4).

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 24.08.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 19.01.2023 has been received from the Judicial Magistrate 1st Class, Ludhiana, 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.

PARUL
2023.02.02 11:52
I attest to the accuracy and
authenticity of this document/judgment
High Court, Chandigarh

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. 115 dated 14.11.2021, registered under Sections 406 and 498-A of Indian Penal Code at Police Station Women, District Police Commissionerate Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners, subject to payment of cost of ₹ 15,000/- to be deposited by the petitioners jointly within two months 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

January 31, 2023
Parul

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

PARUL
2023.02.02 11:52
I attest to the accuracy and
authenticity of this document/judgment
High Court, Chandigarh