

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.277-A

CRM-M-42365-2021

Date of Decision: 17.01.2023

Kashmir Chand and others

.... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Amit Khari, Advocate for
Mr. Ramnish Puri, Advocate
for the petitioners.

Mr. Harpreet Singh, Addl. A.G.Punjab.

Mr. Aazam Khan, Advocate for
Mr. Ritesh Pandey, Advocate
for respondents No.2 and 3.

TRIBHUVAN DAHIYA, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of DDR No.47 dated 04.06.2021, registered under Sections 366, 354, 354-D, 323, 506, 341 and 120-B of IPC at Police Station Chheharta, District Amritsar (Annexure P-2), FIR No.93 dated 07.04.2021, registered under Sections 364, 365, 148 and 149 of IPC (Sections 379-B, 342 and 323 IPC were added later on and subsequently, Section 379-B of IPC was deleted) at Police Station Chheharta, District Police Commissionerate Amritsar (Annexure P-1) and all consequential

proceedings arising therefrom, in view of the compromise, dated 12.07.2021 (Annexure P-3), entered into between the petitioner(s) and the complainant to settle their disputes in question.

2. Keeping in view the fact that the parties had entered into a compromise, they were directed to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard, vide order dated 22.04.2022. Pursuant thereto, a report dated 27.05.2022 has been received from Judicial Magistrate 1st Class, Amrisar, at Flag 'A', stating that the compromise arrived at between the parties is without any pressure, coercion or undue influence.

3. Learned State counsel and learned counsel appearing on behalf of respondents No.2 and 3 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 *Narinder Singh and others v. State of Punjab and another*, 2014(6) SCC 466, 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, wherein it has been held 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 prosecution 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 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. 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.

7. Consequently, this petition is allowed. DDR No.47 dated 04.06.2021, registered under Sections 366, 354, 354-D, 323, 506, 341 and 120-B of IPC at Police Station Chheharta, District Amritsar in FIR No.93 dated 07.04.2021, registered under Sections 364, 365, 148 and 149 of IPC (Sections 379-B, 342 and 323 IPC were added later on and subsequently, Section 379-B of IPC was deleted) at Police Station Chheharta, District Police Commissionerate Amritsar and all consequential proceedings arising therefrom are hereby quashed *qua* the petitioners.

(TRIBHUVAN DAHIYA)
JUDGE

17.01.2023
Maninder

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