

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.277

CRM-M-37618-2022

Date of Decision: 30.01.2023

Ramesh Kumar and another

.... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Munish Raj Chaudhary, Advocate
for the petitioners.

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

Mr. Harmanpreet S.Sehgal, Advocate
for respondent No.2-complainant.

TRIBHUVAN DAHIYA, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of DDR No.58 dated 29.09.2021, registered under Sections 324, 323 and 34 IPC (offence under Section 326 IPC has been added later on vide DDR No.40 dated 07.10.2021) at Police Station Kabarwala, District Sri Muktsar Sahib (Annexure P-2) in FIR No.176 dated 29.09.2021, registered under Sections 354-B and 323 IPC at Police Station Kabarwala, District Sri Muktsar Sahib (Annexure P-1) and all consequential proceedings arising therefrom, in view of the compromise and affidavit dated 25.07.2022 (Annexures P-3 and P-4 respectively), entered into between the petitioners and the complainant to settle their disputes in question.

2. Learned counsel for the petitioners submits that an altercation took place between the parties, who were co-villagers, because of a land

dispute. He submits that dispute has been amicably settled by virtue of the aforesaid compromise (Annexure P-3), which is supported by an affidavit (Annexure P-4).

3. 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 24.08.2022. Pursuant thereto, a report dated 08.12.2022 has been received from Judicial Magistrate 1st Class, Malout, at Flag 'A', stating that the compromise arrived at between the parties is without any pressure, coercion or undue influence.

4. Learned State counsel and learned counsel appearing on behalf of respondent No.2 admit the factum of compromise, and submit that they have no objection to quashing of the FIR on that basis.

5. 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.

6. 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.

7. 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.

8. Consequently, this petition is allowed. DDR No.58 dated 29.09.2021, registered under Sections 324, 323 and 34 IPC (offence under Section 326 IPC has been added later on vide DDR No.40 dated 07.10.2021) at Police Station Kabarwala, District Sri Muktsar Sahib (Annexure P-2) in FIR No.176 dated 29.09.2021, registered under Sections 354-B and 323 IPC at Police Station Kabarwala, District Sri Muktsar Sahib, and all consequential proceedings arising therefrom are hereby quashed *qua* the petitioners.

(TRIBHUVAN DAHIYA)
JUDGE

30.01.2023
Maninder

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