

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(263)

CRM-M-38671-2022
Date of Decision:-01.02.2023

Ankit Bhadana and Ors.

.....Petitioners

Versus

State of Haryana and Anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Kamal Chaudhary, Advocate for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Ms. Mukta Mahesh, 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.178 dated 02.04.2022, registered under Sections 323, 328, 34, 354-A, 498-A, 406, 506, 376 and 377 of IPC at Police Station Mujesar Faridabad and subsequent proceeding arising therefrom on the basis of settlement statement dated 01.08.2022 (Annexure P-2) suffered in petition under Section 13-B of Hindu Marriage Act, Family Court Faridabad (Annexure P-3).

At the outset, learned counsel for the petitioner has pointed out that inadvertently FIR No.81 instead of FIR No.178 has been wrongly mentioned in the prayer clause.

On the oral request, the same is ordered to be corrected by the learned counsel for the petitioner.

Keeping in view the fact that the parties entered into a settlement dated 01.08.2022, this Court vide order dated 29.08.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 14.10.2022 has been received from Judicial Magistrate, 1st Class, Faridabad, 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. FIR No.178 dated 02.04.2022, registered under Sections 323, 328, 34, 354-A, 498-A, 406, 506, 376 and 377 of IPC at Police Station Mujesar Faridabad and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners subject to cost of ₹ 35,000/- to be paid by the petitioners jointly and the cost of ₹ 25,000/- to be paid by respondent No.2 within two months 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**

01.02.2023

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