

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(286)

CRM-M-38630-2022

Date of Decision:-January 19, 2023

Sumit Manga and Ors.

.....Petitioners

Versus

State of Haryana and Anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Kunal Dawar, Advocate for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Gurender Singh, Advocate for
Mr. Yashdev Kaushik, Advocate for respondents No.2.

ALOK JAIN, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.77 dated 11.02.2016, registered under Sections 498-A, 406, 506, 376 511, 354-A, 34 of Indian Penal Code at Police Station Sector-7, Faridabad, Haryana (Annexure P-1) on the basis of compromise dated 18.07.2022 (Annexure P-2) and all consequential proceedings arising therefrom including the judgment of conviction passed by Ld. Additional Sessions Judge Faridabad dated 30.10.2017, whereby petitioners were

convicted under Section 498-A/34 IPC, 323/34 IPC and 506 IPC and petitioner No.2 was also additionally convicted under Section 354-A IPC on the basis of compromised/MOU dated 10.08.2022.

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 12.09.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 22.09.2022 has been received from CJ (JD)-cum-JMIC, 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.

In the light of the compromise effected between the parties the order of conviction is set aside and FIR No.77 dated 11.02.2016, registered under Sections 498-A, 406, 506, 376 511, 354-A, 34 of Indian Penal Code at Police Station Sector-7, Faridabad, Haryana (Annexure P-1) including the judgment of conviction passed by Ld. Additional Sessions Judge Faridabad dated 30.10.2017 is set aside and consequently, this petition is allowed and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners subject to cost of ₹ 50,000/- to be paid by the petitioners 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.

In the meanwhile, learned counsel for the petitioner is directed to file an appropriate application in CRA-S-4020-SB-2017 for passing an appropriate order.

(ALOK JAIN)
JUDGE

January 19, 2023

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