

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M No. 38523 of 2020
Date of Decision : 24.1.2023

Harmesh Singh and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CRM-M No. 38587 of 2020

Balwinder Kaur and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. APS Sandu, Advocate, for the petitioners
Mr. Harpreet Singh, Addl. AG, Punjab
Mr. Hari Pal, Advocate, for the respondents no. 2 and 3

TRIBHUVAN DAHIYA J. (ORAL):

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.66 dated 7.12.2019, under Sections 452 and 354-A IPC and DDR No. 17 dated 9.12.2019 registered under Sections 323, 324, 148 and 149 IPC (Section 326 IPC added later on) registered at Police Station Verka, District Police Commissionerate, Amritsar (Annexure P-1), and all consequential proceedings arising therefrom, in view of the compromise deed dated 11.2.2020 (Annexure P-2) (Annexure P-3 in CRM-M No. 38587 of 2020) entered into between the petitioners and the complainants 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 23.11.2020 (in both cases). Pursuant thereto, a report dated 21.12.2020 has been received from Judicial Magistrate 1st Class, Amritsar, 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 admit the factum of compromise, and submit that they have no objection to quashing of the FIR and cross DDR 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 and DDR as well as the aforesaid report establishes that the present cases fall 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. FIR No.66 dated 7.12.2019, under Sections 452 and 354-A IPC and DDR No. 17 dated 9.12.2019 registered under Sections 323, 324, 148 and 149 IPC (Section 326 IPC added later on) registered at Police Station Verka, District Police Commissionerate, Amritsar, and all consequential proceedings arising therefrom are hereby quashed *qua* the petitioners.

8. A photocopy of this order be placed on the file of the connected case.

(TRIBHUVAN DAHIYA)
JUDGE

24.1.2023

Ashwani

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