

2023:PHHC:053935

CRM-M-41380-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

280

CRM-M-41380-2022

Date of Decision:-April 18, 2023

Islam @ Islamuddin and another

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Jamshed Ahmed, Advocate for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Inderjeet Singh, 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. 04 dated 17.02.2022, registered under Sections 376-B, 120-B and 450 of Indian Penal Code at Women Police Station Mewat, District Nuh (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of affidavit of complainant/respondent No.2 dated 06.07.2022 (Annexure P-2).

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 16.12.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 07.02.2023 has been received from the Judicial Magistrate 1st Class, Nuh, 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 for respondent No.2-complainant admit the factum of compromise and submit that they have no objection to quashing of the FIR on that basis.

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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. 04 dated 17.02.2022, registered under Sections 376-B, 120-B and 450 of Indian Penal Code at Women Police Station Mewat, District Nuh (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners.

Since, the complainant has rejoined and cohabitated with the petitioner-husband, therefore, the cost is imposed upon the petitioner No.1 and respondent No.2 jointly, for a sum of Rs. 10,000/- to be deposited within one month from today 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**

April 18, 2023
Parul

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