

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 244

Criminal Miscellaneous No.M-40760 of 2022
Date of Decision: January 09, 2023

Abhishek Handuja & others

..... PETITIONER(S)

VERSUS

State of Haryana & another

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Ishan Khetarpal, Advocate, for the petitioners.

Ms. Ankita Ahuja, Assistant Advocate General, Haryana.

Mr. S.S. Kang, Advocate, for respondent No.2.

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Tribhuvan Dahiya, J (Oral)

The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.377 dated 29.09.2020 under Sections 406, 498-A, 323, 354, 377, 506 IPC registered at Police Station, Farakpur, District Yamuna Nagar (Annexure P-1) alongwith consequential proceedings on the basis of compromise dated 04.01.2022 (Annexure P-3).

Learned counsel for the petitioners has submitted that Sections 354 and 377 IPC have been deleted, that fact has not been disputed by the State counsel.

Keeping in view the fact that the parties have entered into a compromise, this Court vide order dated 07.09.2022 had directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in support of the compromise. Pursuant thereto, a report dated 07.10.2022 has been received from Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri, stating that the compromise arrived at between the parties 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 the quashing of FIR on that basis.

Perusal of the aforesaid report establishes that the parties have amicably settled their dispute and continuance of criminal prosecution would 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 vs. State of Punjab & another*, 2012(10) SCC 303 and *Narinder Singh & others vs. 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.

Consequently, this petition is allowed. FIR No.377 dated 29.09.2020 under Sections 406, 498-A, 323, 354, 377, 506 IPC registered with Police Station, Farakpur, District Yamuna Nagar (Annexure P-1) and all consequential proceedings arising therefrom is hereby quashed *qua* the petitioners.

(Tribhuvan Dahiya)
Judge

January 09, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No