

CRM-M-41088-2022

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

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CRM-M-41088-2022

Date of Decision:-May 31, 2023

Pardeep Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Ashwani Gaur, Advocate for the petitioner.

Mr. Reepu Dhaman, AAG, Haryana.

Mr. Sandeep K. Sharma, Advocate for

Mr. Sandeep Kotla, Advocate for respondent No.2.

ALOK JAIN, J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 0561 dated 28.08.2015, registered under Sections 323, 506, 34 and 498-A of Indian Penal Code at Police Station Rohtak Sadar, Rohtak (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise.

2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 09.11.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 22.12.2022 has been received from the Judicial Magistrate 1st Class, Rohtak, stating that the parties have got their statements recorded and in fact the matrimonial discord has been resolved and they are living together and the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

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3. 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.

4. 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.

5. Consequently, this petition is allowed. FIR No. 0561 dated 28.08.2015, registered under Sections 323, 506, 34 and 498-A of Indian Penal Code at Police Station Rohtak Sadar, Rohtak (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

6. Since, the parties have reconciled the matter and respondent No.2 has joined back the company of the petitioner, therefore, the cost is being imposed only on the petitioner.

7. Thus, the payment of cost of Rs. 5,000/- to be paid by the petitioner 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

May 31, 2023

Parul

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