

CRM-M-46416-2021

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

(259)

CRM-M-46416-2021

Date of Decision:-February 01, 2023

Sanjay Kumar

.....Petitioner

Versus

State of Punjab and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Anil Kumar Garg, Advocate for the petitioner.

Mr. S.S. Cheema, DAG, Punjab.

Mr. Rajat Saini, Advocate for

Mr. Kushagra Mahajan, Advocate for respondents No.2 and 3.

ALOK JAIN, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 0095 dated 07.09.2020, registered under Sections 363 and 366-A of Indian Penal Code at Police Station Daba, Police District Police Commissionerate Ludhiana, District Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 21.10.2021 (Annexure P-2).

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 17.03.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 12.04.2022 has been received from the Judicial Magistrate 1st Class, Ludhiana, 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 respondents No.2 & 3-complainant admit the factum of

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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.

Consequently, this petition is allowed. FIR No. 0095 dated 07.09.2020, registered under Sections 363 and 366-A of Indian Penal Code at Police Station Daba, Police District Police Commissionerate Ludhiana, District Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioner, subject to payment of cost of ₹ 5,000/- to be deposited by the petitioner within two months 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**

February 01, 2023

Parul

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