

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(269)

CRM-M-35786-2019

Date of Decision:-January 19, 2023

Darshan Kumar Gupta and Ors.

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Anil Kumar Spehia, Advocate for the petitioners.

Mr. Arun Gupta, AAG, Punjab.

Mr. Kapil Khanna, Advocate for respondent No.2.

ALOK JAIN, J. (Oral)

CRM-1523-2023

In compliance of the order dated 27.09.2022, the petitioner has placed on record the judgment and decree dated 03.02.2020 passed by the Family Court Jalandhar.

Application is allowed and Annexure P3 is taken on record.

CRM-M-35786-2019

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 41 dated 11.06.2015, registered under Sections 406, 498-A of Indian Penal Code at Police Station Women Cell, District Jalandhar City (Annexure P-1) on the basis of compromise dated

17.07.2019 (Annexure P-2) and all consequential proceedings arising therefrom.

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 29.01.2020 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 16.03.2020 has been received from Judicial Magistrate, 1st Class, Jalandhar, 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 respondent No.2-complainant admit the factum of 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. 41 dated 11.06.2015, registered under Sections 406, 498-A of Indian Penal Code at

Police Station Women Cell, District Jalandhar City (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners subject to cost of ₹ 5,000/- to be paid by each of the petitioner within two months from today. The cost shall be deposited 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

January 19, 2023
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No