

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

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**CRM No. 18068 of 2023 in/and
CRM-M No. 42799 of 2022
Date of Decision : 2.5.2023**

Agyapal Singh and others

..... Petitioners

versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Surinder Garg, Advocate, for the petitioners

Mr. Jashandeep Singh, AAG, Punjab

Mr. K.S. Rawat, Advocate, for

Mr. Surinder Gaur, Advocate, for respondent no.2/complainant

TRIBHUVAN DAHIYA J. (ORAL):

CRM No. 18068 of 2023:

For the reasons stated in the application, it is allowed. Date of hearing in the main case is advanced to today and the same is taken up on board for hearing.

CRM-M No. 42799 of 2022:

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.38 dated 20.11.2020 under Sections 406 and 498-A IPC registered at Police Station Women, Bathinda, District Bathinda (Annexure P-1), and all consequential proceedings arising therefrom, in view of the compromise/statements suffered by petitioner no.1 and respondent no.2 in petition under Section 13-B of the Hindu Marriage Act, 1955, for dissolution of the marriage by mutual consent, dated 26.8.2022 (Annexures P-2 to P-4).

2.

As the parties entered into a compromise to resolve their disputes

which led to registration of the criminal case, they were directed to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard, vide order dated 16.9.2022. Pursuant thereto, a report dated 27.10.2022 has been received from Judicial Magistrate Ist Class, Bathinda, at Flag 'A', stating that the compromise arrived at between the parties is without any pressure, coercion or undue influence. There is no criminal case pending against the petitioners, nor have they been declared proclaimed persons.

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. It has been held by the Supreme Court of India in cases *Gian Singh v. State of Punjab and another*, 2012(10) SCC 303 and *State of Madhya Pradesh v. Laxmi Narayan and others*, (2019) 5 SCC 688, 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 by entering into a compromise.

5. Further, reference can also be made to Full Bench judgment of this Court in *Kulwinder Singh and others v. State of Punjab and another*, 2007(3) R.C.R.(Criminal) 1052, holding that on the parties settling their disputes by way of a compromise, the High Court in exercise of power under Section 482 Cr.P.C. can allow the compounding of non-compoundable offences also, and quash the criminal proceedings to prevent abuse of the process of law or otherwise to secure the ends of justice. The power is not confined to matrimonial disputes alone.

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A perusal of the allegations in the FIR as well as the aforesaid report

establishes that the present case, arising out of matrimonial relationship, falls in the category of cases that can be quashed by the High Court in exercise of its inherent jurisdiction under Section 482 Cr.P.C., as per law laid down in the aforementioned judgments. The petitioners have no criminal antecedents. The offences alleged are not heinous in nature and cannot be termed as crime against the society; nor do they show mental depravity of the petitioners. Since disputes between the parties have been amicably resolved by way of the compromise, continuation of criminal proceedings will be an exercise in futility as chances of ultimate conviction are not there, and it will hamper their peaceful coexistence even after resolution of disputes.

7. Consequently, this petition is allowed. FIR No. 38 dated 20.11.2020 under Sections 406 and 498-A IPC registered at Police Station Women, Bathinda, District Bathinda, and all consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

(TRIBHUVAN DAHIYA)
JUDGE

2.5.2023
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No