

CRM-M-47394-2021

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

(277)

CRM-M-47394-2021

Date of Decision:-**February 20, 2023**

Babita Sahni

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. M.S. Nagra, Asstt. A.G., Punjab.

Mr. Ketan, Advocate for

Mr. Vishal Munjal, Advocate for respondent No.2.

ALOK JAIN, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 153 dated 11.07.2021, registered under Section 306 of Indian Penal Code, at Police Station Division No.4, District Patiala, Punjab (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 18.08.2021 (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 07.04.2022 has been received from the Judicial Magistrate 1st Class, Patiala, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

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Learned counsel appearing on behalf of respondent No.2-complainant admit the factum of compromise and submit that he has no objection to quashing of the FIR on that basis. However, the learned State counsel has objected to the quashing of the FIR on the ground that Section 306 is a serious offence and cannot be quashed.

However, 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.

Learned counsel for the petitioner has submitted that the power under Section 482 Cr.P.C. can be exercised in such matters. Reliance has been placed upon judgments of Coordinate Bench in case titled as *Harbans Lal and others vs. State of Punjab and others*, passed in CRM-M-26948-2020 decided 08.10.2020, *Sandeep Kaur and others vs. State of Punjab and others*, passed in CRM-M-26425-2020 decided on 07.09.2020, *Ajay Kumar and others vs. State of Punjab and others*, passed in CRM-M-35796-2015 decided on 14.11.2018 wherein, this Court had quashed an FIR, which was registered under Section 306 IPC.

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.

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Considering the judicial pronouncement and submissions made by learned counsel for the parties and the peculiar facts and circumstances in the present case, the present petition deserves to be allowed.

Accordingly, FIR No. 153 dated 11.07.2021, registered under Section 306 of Indian Penal Code, at Police Station Division No.4, District Patiala, Punjab (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner, subject to payment of cost of Rs. 10,000/- to be deposited by the petitioner and Rs. 10,000/- to be deposited by respondent No.2 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**

February 20, 2023

Parul

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