

CRM-M-43326-2020 (O&M)

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

123+244

CRM-M-43326-2020 (O&M)
Date of Decision:-March 17, 2023

Dinesh Kumar Goel

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr.Vikash Kumar, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana
for respondents No.1 to 4.

Mr. Umang Goyal, Advocate for respondent No.5.

ALOK JAIN, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 293 dated 22.08.2019, registered under Sections 500 and 509 of Indian Penal Code (Section 201 IPC added later on) at Police Station New Colony, District Gurugram (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 25.02.2020 (Annexure P-4).

Although the present petition was for quashing of FIR on merits, however, during the pendency of this petition, the parties entered into a compromise and have put to rest all the litigations.

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 23.01.2023 directed the parties to

CRM-M-43326-2020 (O&M)

appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 14.03.2023 has been received from the Judicial Magistrate 1st Class, Gurugram, 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 for respondent No.5-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. 293 dated 22.08.2019, registered under Sections 500 and 509 of Indian Penal Code (Section 201 IPC added later on) at Police Station New Colony, District Gurugram (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.

Since, in this matter respondent No.5 has been beneficiary of

CRM-M-43326-2020 (O&M)

the entire estate of the petitioner-husband, therefore, she is being burdened with a little more cost to the extent of Rs.25,000/- to be deposited by her, within 15 days 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.

All the pending miscellaneous applications stand disposed of, in view of the disposal of the main petition.

(ALOK JAIN)
JUDGE

March 17, 2023

Parul

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