

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

Sr. No.287

CRM-M-43283-2022

Date of Decision: 17.01.2023

Abid Khan

.... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Arun Gupta, Advocate for
Mr. Imran Farooqi, Advocate
for the petitioner.

Mr. Harpreet Singh, Addl. A.G.Punjab.

Mr. Shivansh Gautam, Advocate for
Mr. Arun Sharma, Advocate
for respondent No.2.

TRIBHUVAN DAHIYA, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.14 dated 28.12.2021, registered under Section 498-A IPC at PS Women Police Station, Malerkotla, District Malerkotla (Annexure P-1) and all subsequent proceedings arising therefrom, in view of the compromise dated 03.02.2022 (Annexure P-2).

Keeping in view the fact that the parties entered into a compromise, vide order dated 19.09.2022 of this Court, parties were directed to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 05.12.2022 has been received from Judicial Magistrate 1st Class, Malerkotla, at Flag 'A', stating that the compromise arrived at between the parties 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 466 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.14 dated 28.12.2021, registered under Section 498-A IPC at PS Women Police Station, Malerkotla, District Malerkotla and all subsequent proceedings arising therefrom are hereby quashed *qua* the petitioner.

(TRIBHUVAN DAHIYA)
JUDGE

17.01.2023
Maninder

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