

CRM-M-44493-2022

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

(280)

CRM-M-44493-2022

Date of Decision:-February 09, 2023

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.....Petitioner

Versus

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Manoj Kaushik, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. R.K. Chaudhary, 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. 49 dated 04.04.2015, registered under Sections 498-A and 406 of Indian Penal Code (Sections 354, 323 and 506 IPC were deleted) at Police Station Sahlawas, District Jhajjar, (Annexure P-1) as well as for setting aside the judgment of conviction dated 13.06.2019 and order of sentence dated 14.06.2019 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Jhajjar and all consequential proceedings arising therefrom, on the basis of settlement/compromise dated 13.09.2022 (Annexure P-4).

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 17.10.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements

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recorded in that regard. Pursuant thereto, a report dated 01.12.2022 has been received from the District and Sessions Judge, Jhajjar, 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.

Learned counsel for the petitioner submits that the petitioner has been convicted vide judgment dated 13.06.2019, however, his appeal is pending before the First Appellate Court.

Consequently, this petition is allowed. FIR No. 49 dated 04.04.2015, registered under Sections 498-A and 406 of Indian Penal Code (Sections 354, 323 and 506 IPC were deleted) at Police Station Sahlawas, District Jhajjar, (Annexure P-1) as well as for setting aside the judgment of conviction dated 13.06.2019 and order of sentence dated 14.06.2019

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(Annexure P-2) passed by learned Judicial Magistrate 1st Class, Jhajjar and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioner, subject to payment of cost of Rs. 15,000/- to be deposited by the petitioner and Rs. 15,000/- to be deposited by respondent No.2 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.

**(ALOK JAIN)
JUDGE**

February 09, 2023
Parul

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