

CRM-M-45420-2022

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

(280)

CRM-M-45420-2022

Date of Decision:-February 06, 2023

Gagandeep Singh and others

.....Petitioners

Versus

State of Punjab and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Ritesh Pandey, Advocate for the petitioners.

Mr. Arun Gupta, AAG, Punjab.

Mr. A.K. Ranolia, 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. 79 dated 21.10.2021, registered under Sections 406 and 498-A of Indian Penal Code at Police Station Ghanie Ke Bangar, Batala, District Batala, (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 06.04.2022 (Annexure P-2).

Learned State Counsel has filed a status report by way of an affidavit of Mr. Sarvanjit Singh, PPS, Deputy Superintendent of Police, Sub Division Fatehgarh Churian, Police District Batala, District Gurdaspur on behalf of respondent No.1-State, which is taken on record. He has submitted that in fact there is another FIR bearing FIR No.70 dated 01.09.2021 under Sections 341, 354-B, 506 and 34 IPC, registered at Police

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Station Ghanie Ke Banger against one of the accused, namely, Lovedeep Singh S/o Gurwinder Singh.

Learned counsel for the petitioners as well as respondent No.2 have submitted that quashing petition of the said FIR has already been filed and the same is pending before this Court for 28.02.2023.

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 29.09.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 29.11.2022 has been received from the Judicial Magistrate 1st Class, Batala, 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.

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Consequently, this petition is allowed. FIR No. 79 dated 21.10.2021, registered under Sections 406 and 498-A of Indian Penal Code at Police Station Ghanie Ke Bangar, Batala, District Batala, (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners.

Learned counsel for the petitioners has submitted that the cost be imposed only on the petitioners and any cost imposed upon respondent-wife would have to be paid by the petitioners. Thus, cost of Rs. 35,000/- shall be deposited by the petitioners jointly 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 06, 2023

Parul

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