

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

Sr. No.254

CRM-M-46472-2022

Date of Decision: 10.01.2023

Amandeep Singh Khaira and another

.... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. P.K.S.Phoolka, Advocate
for the petitioners.

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

Mr. Davinder Kumar, 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.085 dated 06.07.2022, registered under Sections 406, 498-A of IPC and Section 4 of the Dowry Prohibition Act, 1961, at Police Station Dirba, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom, in view of the compromise dated 28.09.2022 (Annexure P-2).

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 11.10.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 09.12.2022 has been received from Judicial Magistrate 1st Class, Sunam, 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.085 dated 06.07.2022, registered under Sections 406, 498-A of IPC and Section 4 of the Dowry Prohibition Act, 1961, at Police Station Dirba, District Sangrur and all subsequent proceedings arising therefrom are hereby quashed *qua* the petitioners.

(TRIBHUVAN DAHIYA)
JUDGE

10.01.2023
Maninder

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