

2023:PHHC:150983

CRM-M-46109-2023

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

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CRM-M-46109-2023

Date of Decision:-**November 28, 2023**

Sushil Kumar

.....Petitioner

Versus

State of Punjab and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Rajinder Yadav, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 0069 dated 16.02.2020, registered under Section 420 of Indian Penal Code, 1860 and Section 24 of the Immirgration Act, at Police Station Division No. 5, Police Commissionerate, Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 20.04.2022. (Annexure P-3).

2. Ms. Ritika Chugh, Advocate has put in appearance and filed her *Vakalatnama* on behalf of respondent No. 2 in Court today, which is taken on record, subject to all just exceptions.

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3. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 14.09.2023 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 04.11.2023 has been received from the Additional Chief Judicial Magistrate, Ludhiana, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

4. Learned State Counsel and learned counsel for respondent No. 2 admit the factum of compromise and submit that they have no objection to quashing of the FIR on that basis.

5. 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.

6. Consequently, this petition is allowed. FIR No. 0069 dated 16.02.2020, registered under Section 420 of Indian Penal Code, 1860 and Section 24 of the Immirgration Act, at Police Station Division No. 5, Police Commissionerate, Ludhiana (Annexure P-1) and all consequential

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proceedings arising therefrom are hereby quashed qua the petitioner, subject to payment of cost of Rs. 25,000/- to be deposited by the petitioner and Rs. 25,000/- to be deposited by respondent No.2 within one month from today in the following account:-

Account Name – Punjab and Haryana High Court

Bar Clerks Association Chandigarh.

Account No. – 65004775776

IFSC Code - SBIN0050306

Bank Name – SBI High Court Branch.

7. It is made clear that the petitioner will deposit the cost of Rs. 25,000/- on behalf of respondent No. 2 also and deduct the same from the balance of Rs. 1,00,000/-, which has to be paid by the petitioner to the respondent No. 2.

(ALOK JAIN)
JUDGE

November 28, 2023

Parul

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No