

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.266

CRM-M-41314-2019
Date of Decision: 13.02.2023

Harmohan Singh

.... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

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

Mr. Vishal Munjal, 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.11 dated 09.04.2016, registered under Sections 354 and 354-A of IPC (charge framed under Section 354-A (1) (i) IPC) at Police Station Kalanaur, District Gurdaspur (Annexure P-1) and all consequential proceedings arising therefrom, in view of the compromise, dated 31.08.2019 (Annexure P-2), entered into between the petitioner and the complainant to settle their disputes in question.

2. Keeping in view the fact that the parties had entered into a compromise, they were directed to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard, vide order dated 15.10.2019. Pursuant thereto, a report dated 22.11.2019 has been received from Judicial Magistrate 1st Class, Gurdaspur, at Flag 'A', stating that the

compromise arrived at between the parties is without any pressure, coercion or undue influence.

3. Learned State counsel and learned counsel appearing on behalf of respondent No.2 admit the factum of compromise, and submit that they have no objection to quashing of the FIR on that basis.

4. It has been held by the 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 by entering into a compromise. On similar lines is another judgment of the Supreme Court in *Shiji v. Radhika*, 2012 (1) SCC (Criminal) 101, wherein criminal proceedings for offences under Sections 354 and 394 IPC were quashed since the parties had entered into a compromise and there were no chances of conviction.

5. Further, reference can also be made to Full Bench judgment of this Court in *Kulwinder Singh and others v. State of Punjab and another*, 2007(3) R.C.R.(Criminal) 1052, wherein it has been held that on the parties settling their disputes by way of a compromise the High Court in exercise of power under Section 482 Cr.P.C. can allow the compounding of non-compoundable offences also, and quash the prosecution to prevent abuse of the process of law or otherwise to secure the ends of justice. The power is not confined to matrimonial disputes alone.

6. A perusal of the allegations in the FIR as well as the aforesaid report establishes that the present case falls in the category of cases that can be quashed by the High Court in exercise of its inherent jurisdiction under

Section 482 Cr.P.C., as per law laid down in the aforementioned judgments. Since disputes between the parties have been amicably resolved by way of the compromise, continuation of criminal proceedings will be an exercise in futility, as chances of ultimate conviction are not there.

7. Consequently, this petition is allowed. FIR No.11 dated 09.04.2016, registered under Sections 354 and 354-A of IPC (charge framed under Section 354-A (1) (i) IPC) at Police Station Kalanaur, District Gurdaspur, and all consequential proceedings arising therefrom are hereby quashed *qua* the petitioner.

(TRIBHUVAN DAHIYA)
JUDGE

13.02.2023
Maninder

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