

CRM-M-41841-2019

2023:PHHC:063365

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

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CRM-M-41841-2019

Date of Decision: 02.05.2023

Nanak Singh and another

.... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Kuldip Singh, Advocate
for the petitioners.

Mr. Harpreet Singh, Addl. A.G. Punjab
for respondent No.1-State.

Mr. Sameydeen, Advocate forcibly
Mr. I.S. Dhaliwal, 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.94 dated 28.06.2019, registered under Sections 452, 354, 354-B, 324, 323, 506, 34 of Indian Penal Code, 1860 and under Section 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Arniwala, District Fazilka (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 petitioners and the complainant to settle their disputes in question.

2. As the parties entered into a compromise to resolve their disputes which led to registration of the criminal case, they were directed to appear before the trial Court/Duty Magistrate for getting their statements recorded in

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that regard, vide order dated 13.11.2019. Pursuant thereto, a report dated 27.11.2019 has been received from Judicial Magistrate 1st Class, Fazilka at Flag 'A', stating that the compromise arrived at between the parties is without any pressure, coercion or undue influence. There is no criminal case pending against the petitioners, nor they have been declared as proclaimed person(s).

3. 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.

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 *State of Madhya Pradesh v. Laxmi Narayan and others*, (2019) 5 SCC 688, 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, holding 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 criminal proceedings 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 is predominately of private nature, 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. The petitioners have no criminal antecedents. The offences alleged are not heinous in nature and cannot be termed as crime against the society; nor do they show mental depravity of the petitioners. 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, and it will hamper their peaceful coexistence even after resolution of disputes.

7. Consequently, this petition is allowed. FIR No.94 dated 28.06.2019, registered under Sections 452, 354, 354-B, 324, 323, 506, 34 of Indian Penal Code, 1860 under Section 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Arniwala, District Fazilka (Annexure P-1) and all consequential proceedings arising therefrom are hereby quashed *qua* the petitioners.

(TRIBHUVAN DAHIYA)
JUDGE

02.05.2023
Nisha

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