

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

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**CRM-M No. 44591 of 2019
Date of Decision : 20.2.2023**

Pankaj Aggarwal

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Harsh Aggarwal, Advocate, for the petitioner
Mr. Harpreet Singh, Addl. AG, Punjab
Mr. Hitesh Sood, Advocate, for respondents no.2 and 3

TRIBHUVAN DAHIYA J. (ORAL):

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 50 dated 2.5.2019 under Sections 376 and 506 IPC registered at Police Station Mahilpur, Hoshiarpur (Annexure P-2), and all consequential proceedings arising therefrom, in view of the compromise deed dated 9.10.2019 (Annexure P-3) entered into between the petitioners 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 18.2.2020. Pursuant thereto, a report dated 3.3.2020 has been received from Additional District & Sessions Judge, Hoshiarpur, stating that the compromise arrived at between the parties is without any pressure, coercion or undue influence.

3. Learned counsel for the petitioner as well as the complainant submit that the parties, who are husband and wife were later on accepted the ex-parte divorce granted vide judgment dated 12.11.2018 as final and binding. The FIR in question is also an outcome of their matrimonial issues, which have been settled by way of the compromise in question; based on that the parties have finalized their divorce and all other issues.

4. Learned State counsel also admits the factum of compromise, and submits that he has no objection to quashing of the FIR on that basis.

5. 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.

6. 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.

7. A perusal of the allegations in the FIR as well as the aforesaid report establishes that the present cases fall 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.

8. Consequently, this petition is allowed. FIR No. 50 dated 2.5.2019 under Sections 376 and 506 IPC registered at Police Station Mahilpur, Hoshiarpur (Annexure P-2), and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioner.

(TRIBHUVAN DAHIYA)
JUDGE

20.2.2023

Ashwani

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