CRM-M-52128-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(283)

CRM-M-52128-2022
Date of Decision:-**January 30, 2023**

Shiv Kumar Sharma

……Petitioner

Versus

State of Punjab and Another

……Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

****

Present: Mr. A.P.S. Sandhu, Advocate for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

Respondent No. 2-Meenakshi Sharma in person.

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ALOK JAIN, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 102 dated 13.06.2022, registered under Sections 498-A and 406 of Indian Penal Code at Police Station Women Cell, District Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 14.11.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 19.01.2023 has been received from the Judicial Magistrate 1st Class, Ludhiana, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

Learned State counsel and respondent No.2-Meenakshi Sharma admit the factum of compromise and submit that they have no objection to quashing of the FIR on that basis.

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authenticity of this document/judgment
High Court, Chandigarh

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.

In compliance of the terms of compromise, the petitioner has handed over a draft of Rs.4,00,000/- to respondent No.2-Meenakshi Sharma, vide DD No. 001702 dated 27.01.2023. A copy of the same is taken on record. Complainant is present in the Court and appear in person and has received the said draft and has submitted that the FIR be quashed as there is no dispute pending between them.

Consequently, this petition is allowed. FIR No. 102 dated 13.06.2022, registered under Sections 498-A and 406 of Indian Penal Code at Police Station Women Cell, District Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioner, subject to payment of cost of ₹ 10,000/- to be deposited by the respondent No.2 within two months from today in the following account:-

Account Name – Punjab and Haryana High Court Bar Association Lawyer's Family Welfare Fund.

Account No. - 41564846387

Bank Name – SBI High Court Branch.

(ALOK JAIN)
JUDGE

January 30, 2023
Parul

Whether speaking/reasoned:- Yes/No
Whether Reportable:- Yes/No

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