

2023:PHHC:073379

CRM-M-53961-2022 (O&M)

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

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CRM-M-53961-2022 (O&M)
Date of Decision:-May 19, 2023

Raman Seth and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Nikhil Ghai, Advocate for the petitioners.

Mr. Reepu Dhaman, AAG, Haryana.

Mr. Nitesh Sharma, Advocate for respondents No.2 & 3.

ALOK JAIN, J. (Oral)

CRM-22303-2023

1. The present application is for preponement of the date of hearing in the main case from 11.07.2023, on the ground that respondent No.3 has to go out of India and the pendency of the present FIR is causing a hurdle.

2. In light of the averments made in the application, the same is allowed and the main case is taken on Board today itself.

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1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 163 dated 26.11.2019, registered under Sections 323, 406 and 498-A of Indian Penal Code at Police Station Women, Panchkula (Annexure P-1) and all consequential proceedings

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arising therefrom, on the basis of compromise dated 28.07.2022 (Annexure P-2).

2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 08.12.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 21.02.2023 has been received from the Judicial Magistrate 1st Class, Panchkula, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

3. Learned State Counsel and learned counsel for respondents No.2 and 3 admit the factum of compromise and submit that they have no objection to quashing of the FIR on that basis.

4. 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.

5. Consequently, this petition is allowed. FIR No. 163 dated 26.11.2019, registered under Sections 323, 406 and 498-A of Indian Penal

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Code at Police Station Women, Panchkula (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed qua the petitioners, subject to payment of cost of Rs. 50,000/- to be deposited by the petitioners jointly and Rs. 25,000/- to be deposited by respondents No.2 & 3, within two weeks 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**

May 19, 2023

Parul

Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No