

CRM-M-56559-2022

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

(284)

CRM-M-56559-2022

Date of Decision:-**February 09, 2023**

Rahul

.....Petitioner

Versus

State of Punjab and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Rahul Rana, Advocate for
Mr. J.S. Jaidka, Advocate for the petitioner.

Mr. S.S. Cheema, DAG, Punjab.

Mr. Ashutosh Pandey, Advocate for
Mr. Harinder Pal Singh, Advocate for respondents No.2 and 3.

ALOK JAIN, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 124 dated 01.10.2022, registered under Sections 363 and 366-A of Indian Penal Code at Police Station Daresi, District Ludhiana, (Annexure P-2) and all consequential proceedings arising therefrom, on the basis of compromise deed dated 11.11.2022 (Annexure P-1).

In compliance of order dated 05.12.2022, status report by way of an affidavit of Maninder Bedi, PPS, Assistant Commissioner of Police (North), Ludhiana, District Batala, on behalf of respondent No.1-State has been filed. The same is taken on record.

Copy thereof is also supplied to learned counsel for the petitioner in Court today itself.

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 05.12.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 23.12.2022 has

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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 learned counsel appearing on behalf of 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.

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.

Consequently, this petition is allowed. FIR No. 124 dated 01.10.2022, registered under Sections 363 and 366-A of Indian Penal Code at Police Station Daresi, District Ludhiana, (Annexure P-2) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioner, subject to payment of cost of Rs. 5,000/- to be deposited by the petitioner and Rs. 5,000/- to be deposited by respondents No.2 and 3 jointly 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

February 09, 2023

Parul

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No