

CRM-M-56548-2022

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

(274)

CRM-M-56548-2022.
Date of Decision:-11.04.2023.

Partap Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. B.D. Sharma, Advocate for the petitioners.

Mr. Pankaj Khullar, AAG, Punjab.

Mr. Kashmir Singh, Advocate for respondent Nos.2 and 3.

ALOK JAIN, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of **FIR No.22** dated **28.02.2019**, registered under Sections 363, 366, 120-B of Indian Penal Code at Police Station Division D, District Police Commissionerate, Amritsar (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 13.07.2020 (Annexure P-2).

Short reply by way of affidavit of Sh. Surinder Singh, PPS, Assistant Commissioner of Police, Central, Amritsar, on behalf of respondent No.1-State of Punjab, is taken on record.

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 **21.02.2023** has been received from the Judicial Magistrate Ist Class, Amritsar, stating that

CRM-M-56548-2022

the compromise arrived at between the parties is genuine, voluntary and the same is without any pressure, coercion or undue influence.

Learned State counsel and learned counsel appearing on behalf of respondent Nos.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.22** dated **28.02.2019**, registered under Sections 363, 366, 120-B of Indian Penal Code at Police Station Division D, District Police Commissionerate, Amritsar (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed qua the petitioners, however, since by virtue of the compromise, the parties are residing together in the matrimonial home, therefore, the cost of ₹ 5,000/- each is imposed only on the petitioners, to be deposited within one month 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

April 11, 2023.

Sandeep

Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No