

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(273)

CRM-M-49717-2019

Date of Decision:-January 19, 2023

Hardeep Singh and Ors.

.....Petitioners

Versus

State of Punjab and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Naresh Jain, Advocate for the petitioners.

Mr. Arun Gupta, AAG, Punjab.

Mr. J.K. Khaterpal, 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. 245 dated 25.10.2019, registered under Sections 452, 354, 506, 323, 148 and 149 of Indian Penal Code at Police Station City Kharar, District SAS Nagar, Mohali (Annexure P-1) on the basis of compromise dated 04.11.2019 (Annexure P-2) and all consequential proceedings arising therefrom.

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 04.08.2021 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 22.09.2021 has been received from Sub Divisional Judicial Magistrate, Kharar 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 respondent No.2-complainant 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. 245 dated 25.10.2019, registered under Sections 452, 354, 506, 323, 148 and 149 of Indian Penal Code at Police Station City Kharar, District SAS Nagar,

Mohali (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners subject to cost of ₹ 20,000/- to be paid by the petitioners within two months from today. The cost shall be deposited 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 19, 2023
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No