

2023:PHHC:057633

CRM-M-58613-2022

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

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CRM-M-58613-2022

Date of Decision:-**April 24, 2023**

Yogesh Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Paras, Advocate for
Mr. Amandeep Singh Rai, Advocate for the petitioners.

Mr. Pankaj Khullar, AAG, Punjab.

Mr. G.S. Salana, Advocate for respondent No.2.

ALOK JAIN, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 55 dated 07.04.2018, registered under Sections 406, 120-B and 498-A of Indian Penal Code at Police Station Mandi Gobindgarh, District Fatehgarh Sahib (Annexure P-1) and order dated 25.07.2019 (Annexure P-2) passed by the learned trial Court, whereby petitioner No.1-Yogesh Kumar has been declared proclaimed offender and all consequential proceedings arising therefrom, on the basis of compromise dated 06.10.2022 (Annexure P-8).

Learned counsel for the parties are *ad idem* that after the recording of the statements, in fact, a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act has also been granted on 11.03.2023.

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 22.12.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 23.02.2023 has been received from the Judicial Magistrate 1st Class, Amloh, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

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Learned State Counsel and learned counsel for 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. 55 dated 07.04.2018, registered under Sections 406, 120-B and 498-A of Indian Penal Code at Police Station Mandi Gobindgarh, District Fatehgarh Sahib (Annexure P-1) and order dated 25.07.2019 (Annexure P-2) passed by the learned trial Court, whereby petitioner No.1-Yogesh Kumar has been declared proclaimed offender and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners, subject to payment of cost of Rs. 5,000/- each to be deposited by the petitioners and Rs. 10,000/- to be deposited by respondent No.2 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 24, 2023

Parul

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