

CRM-M-58600-2022 (O&M)

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

121

CRM-M-58600-2022 (O&M)

Date of Decision:- **March 27, 2023**

Sanjeev Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Deepak Verma, Advocate for the applicant-petitioner.

ALOK JAIN, J. (Oral)

CRM-13715-2023

Application is allowed as prayed for, subject to all just exceptions.

Annexures P-10 and P-11 are taken on record.

CRM-13716-2023

The present application is for preponement of the main case from 13.04.2023 to any earlier date, on the ground that the matter has been compromised between the parties and the statements have been recorded. Learned counsel for the petitioner submits that the petitioner at the very first instance has placed on record his return tickets which has been scheduled for 05.04.2023.

Notice in the application.

On asking of the Court, Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of respondent-State.

CRM-M-58600-2022 (O&M)

Mr. Shubhashish Kukreti, Advocate has put in appearance on behalf of respondent No.2 and raises no objection to the application being allowed.

In view of the above, the application is allowed. The main case is taken on board today, subject to payment of cost of Rs. 5,000/- to be deposited by the petitioner within one month from today in the below mentioned account.

CRM-M-58600-2022

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 14 dated 14.09.2017, registered under Sections 406 and 498-A of Indian Penal Code at Police Station NRI, District Hoshiarpur (Annexure P-2) and all consequential proceedings arising therefrom including order dated 30.08.2018 (Annexure P-5) declaring the petitioner as a proclaimed person, on the basis of compromise arrived at between the parties and Section 13-B of the Hindu Marriage Act has already been allowed vide judgment dated 03.01.2022 (Annexure P-6).

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 16.12.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 07.02.2023 has been received from the Judicial Magistrate 1st Class, Hoshiarpur, 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 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

CRM-M-58600-2022 (O&M)

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. 14 dated 14.09.2017, registered under Sections 406 and 498-A of Indian Penal Code at Police Station NRI, District Hoshiarpur (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. 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

March 27, 2023

Parul

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No