

2023:PHHC:050848

CRM-M-59102-2022

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

269/1

CRM-M-59102-2022

Date of Decision:-April 12, 2023

Daljit Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. B.S. Saini, Advocate for the petitioner.

Mr. Pankaj Khullar, AAG, Punjab.

Mr. Amandeep Singh, Advocate for respondent No.2.

ALOK JAIN, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of DDR No. 46 dated 15.02.2022 (Annexure P-2), under Sections 354, 506 of Indian Penal Code in FIR No. 24 dated 13.02.2022, registered under Sections 323, 341, 148, 506 and 149 of Indian Penal Code at Police Station Machhiwara, Police District Khanna District Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise/affidavit dated 31.03.2022 (Annexure P-3).

At the outset, learned counsel for the petitioner submits that there is a typographical error, in order dated 19.12.2022, wherein DDA No. has been recorded as 45 instead of 46. The said correction be carried out.

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 19.12.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 20.02.2023 has been received from the Judicial Magistrate 1st Class, Samrala, 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. DDR No. 46 dated 15.02.2022 (Annexure P-2), under Sections 354, 506 of Indian Penal Code in FIR No. 24 dated 13.02.2022, registered under Sections 323, 341, 148, 506 and 149 of Indian Penal Code at Police Station Machhiwara, Police District Khanna District Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioner, subject to payment of cost of Rs. 10,000/- 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

April 12, 2023
Parul

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