

2023:PHHC:072650

**CRM-M-60400-2022 (O&M)**

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

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**CRM-M-60400-2022 (O&M)**  
**Date of Decision:-May 18, 2023**

Kapil

.....Petitioner

Versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ALOK JAIN**

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Present: Mr. A.K. Agnihotri, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Anshul Agnihotri, Advocate for respondent No.2.

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**ALOK JAIN, J. (Oral)**

**CRM-21897-2023**

1. The present application is for early hearing, on the ground that the petitioner has to appear for his exams for which he has applied as per Annexure P-2.

2. In light of the above, the present application is allowed and the main case is taken on Board today itself.

**CRM-M-60400-2022**

1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 502 dated 01.10.2019, registered under Sections 354, 354-B and 506 of Indian Penal Code at Police Station Barwala, District Hisar (Annexure P-1) and all consequential proceedings

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arising therefrom, on the basis of compromise dated 08.12.2022 (Annexure P-2).

2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 23.12.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 24.01.2023 has been received from the Judicial Magistrate 1<sup>st</sup> Class, Hisar, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

3. 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.

4. 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.

5. Consequently, this petition is allowed. FIR No. 502 dated 01.10.2019, registered under Sections 354, 354-B and 506 of Indian Penal

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**CRM-M-60400-2022 (O&M)**

Code at Police Station Barwala, District Hisar (Annexure P-1) 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. 5,000/- 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**

**May 18, 2023**

Parul

Whether speaking/reasoned:-  
Whether Reportable:-

Yes/No  
Yes/No