

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(309)

CRM-M-3408-2024

Date of Decision:- 21.03.2024

Kuldeep Singh Alias Happy and another

.....Petitioners

Versus

The State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Gursimran Singh Bawa, Advocate
for the petitioners.

Mr. Kuljit Singh, DAG, Punjab.

Mr. Vikrant Vij, Advocate
for respondent No.2.

ALOK JAIN, J. (Oral)

1. Prayer in this petition is for quashing of the **FIR No.74** dated **15.04.2021**, under Sections **379-B** read with **Section 34** of the Indian Penal Code, 1860, registered at **Police Station Majitha Road, District Police Commissionerate, Amritsar (Annexure P-1)**, and all other subsequent proceedings arising therefrom on the basis of the compromise dated **18.12.2023 (Annexure P-2)**.
2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated **24.01.2024** directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated **13.03.2024** has been received from the **Judicial Magistrate 1st Class, Amritsar**, 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 appearing on behalf of respondent No.2 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 proceedings 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.74 dated 15.04.2021, under Sections 379-B** read with **Section 34** of the Indian Penal Code, 1860, **registered at Police Station Majitha Road, District Police Commissionerate, Amritsar**, and all consequential proceedings arising therefrom, are hereby quashed qua the petitioners, subject to payment of cost of Rs.10,000/- each to be deposited by both the petitioners and Rs.5,000/- to be deposited by respondent No.2, within one month from today in Poor Patients Welfare Fund, PGIMER, Chandigarh.

(ALOK JAIN)
JUDGE

March 21, 2024
Monika

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