

CRM-M-6113-2024 (O&M)

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

(234)

CRM-M-6113-2024 (O&M)

Date of Decision:-**March 15, 2024**

Deepal @ Pappu and others

.....Petitioners

Versus

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. L.K. Narang, Advocate for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Sanjay Ghalawat, Advocate for

Mr. Kushagar Goyal, Advocate for respondent No. 2.

ALOK JAIN, J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of **FIR No. 334 dated 31.10.2023**, registered under **Sections 148, 149, 307** read with **Section 34** of Indian Penal Code, and **Sections 25, 54, 59** of the Arms Act, 1959, at Police Station Badli, District Jhajjar (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 31.01.2024 (Annexure P-2).

2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 05.02.2024 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 26.02.2024 has been received from the Civil Judge (Jr. Divn.)-cum-JMIC, Bhadurgarh,

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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. The Hon'ble Apex Court in the case of ***"State of Madhya Pradesh Vs. Laxmi Narayan"* (2019) 5 SCC 688**, has upheld that the High Court under Section 482 Cr.P.C. can quash the criminal proceedings in respect of non compoundable offences which are private in nature and do not have serious impact on society.

6. Keeping in view the law laid down by the Hon'ble Apex Court in the aforesaid judgment, it is crystal clear that the dispute where the wrong is basically private or personal in nature and the parties have resolved their entire dispute, the High Court will be within its jurisdiction to quash the criminal proceedings if it is known that because of compromise

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arrived at between the parties, there is remote possibility of securing conviction of the accused. In fact, in such cases, the Supreme Court has clearly observed that it would amount to extreme injustices, if despite settlement having been arrived at between the parties, the criminal proceedings are allowed to continue.

7. Consequently, this petition is allowed. **FIR No. 334 dated 31.10.2023**, registered under **Sections 148, 149, 307** read with **Section 34** of Indian Penal Code, and **Sections 25, 54, 59** of the Arms Act, 1959, at Police Station Badli, District Jhajjar (Annexure P-1) 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 the petitioners and Rs. 10,000/- to be deposited by respondent No.2 within one month from today in ***Poor Patients Welfare Fund, PGIMER, Chandigarh.***

8. Pending miscellaneous application shall stand disposed of.

(ALOK JAIN)
JUDGE

March 15, 2024
Parul

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