

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

235

2024:PHHC:046846

CRM-M-10366-2024

Date of decision: April 05, 2024

ABHIJIT @ ABHIJEET AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Vishesh Dogra, Advocate
for the petitioners.

Mr. Kuljit Singh, Additional Advocate General, Punjab.

Mr. S.K. Kanojia, Advocate
for respondent No.2.

ALOK JAIN, J. (ORAL)

1. The instant petitioner has been filed under Section 482 of the Cr.P.C. seeking quashing of FIR No.40 dated 23.03.2023 under Sections 323/324/341/148/149 of the Indian Penal Code, 1860, registered at Police Station Division No.2, Jalandhar, District Jalandhar along with all subsequent proceedings arising therefrom on the basis of compromise deed dated 21.02.2024 (Annexure P-3).

2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 28.02.2024 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 22.03.2024 has been received from the Judicial Magistrate Ist Class, Jalandhar, 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 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.40 dated 23.03.2023, under Sections 323/324/341/148/149 of the IPC (Annexure P-2), registered at Police Station Division No.2, Jalandhar, District Jalandhar, and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners, subject to payment of cost of Rs.10,000/- to be deposited by each petitioner and Rs.25,000/- to be deposited by respondent No.2, within one month from today in Poor Patients Welfare Fund, PGIMER, Chandigarh.

April 05, 2024

Jaspreet Kaur

(ALOK JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No