

CRM-M-35684-2023

1

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

290

CRM-M-35684-2023

Date of Decision:-14.03.2024

Harjinder Singh

.....Petitioner

Versus

State of Punjab and Anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Karan Choudhary, Advocate for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

Mr. Lakhbir Singh, 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.0063** dated **07.06.2018**, under Sections **336,379,454 of IPC** and Sections **25 and 27 of the Arms Act, 1959** and later on added Section **120-B of the Indian Penal Code, 1860**, registered at Police Station **Fatehgarh Churian, Police District Batala, District Gurdaspur, Punjab** and subsequent proceeding arising therefrom on the basis of compromise dated **13.10.2018** (Annexure P-2).

2. Keeping in view the fact that the parties entered into a settlement, the Coordinate Bench of this Court vide order dated **06.02.2024** directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated **15.02.2024** has been received from **Chief Judicial Magistrate, Batala**, 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 in 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 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 the 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. More so, the trial would also be a futile exercise as there is no cogent evidence to reach the conviction. Although the last part of the argument is not sustainable, as the Courts are well within its powers to proceed in the matter with the evidence available and merely because the

parties have compromised would not be a ground, the trial would be
futility, however, considering the other aspect that the future of the
daughter of the petitioner will be capitalized.

7. Keeping in view the law laid down by the Hon’ble Apex Court
in the aforesaid judgment, the present petition stands allowed and **FIR**
No.0063 dated **07.06.2018**, under Sections **336, 379, 454 of IPC** and
Sections **25 and 27 of the Arms Act, 1959** and later on added Section
120-B of the Indian Penal Code, 1860, registered at Police Station
Fatehgarh Churian, Police District Batala, District Gurdaspur, Punjab
and subsequent proceeding arising therefrom, are hereby quashed qua the
petitioner subject to costs of **Rs.10,000/-** to be paid by the petitioner and
Rs. 10,000/- to be paid by respondent No.2 within a period of **two weeks**
from today in the account of the **Poor Patients Welfare Fund, PGIMER,**
Chandigarh.

(ALOK JAIN)
JUDGE

14.03.2024
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No