

CRM-M-43034-2023

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

(244)

CRM-M-43034-2023

Date of Decision:-**February 09, 2024**

Damanpreet Singh and another

.....Petitioners

Versus

State of Punjab and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. G.S. Salana, Advocate for the petitioners.

Mr. P.S. Grewal, DAG, Punjab.

Mr. Sahibjeet Singh Sandhu, Advocate
for respondents No. 2 to 5.

ALOK JAIN, J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of **FIR No. 47 dated 11.03.2020**, registered under **Sections 420 and 120-B** of Indian Penal Code, (**Section 201** IPC added later on) and **Section 13** of Punjab Smuggling Act, 2012 and Amendment Act, 2014 at Police Station Anaj Mandi, Patiala, District Patiala (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 15.06.2023 and 01.08.2023 (Annexures P-2 and P-3 respectively).

2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 14.09.2023 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 02.12.2023 has been received from the Judicial Magistrate 1st Class, Patiala, stating that the compromise arrived at between the parties is voluntary and the same is

without any pressure, coercion or undue influence.

CRM-M-43034-2023

3. Learned State Counsel and learned counsel for respondents No.2 to 5 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. 47 dated 11.03.2020**, registered under **Sections 420 and 120-B** of Indian Penal Code, (**Section 201** IPC added later on) and **Section 13** of Punjab Smuggling Act, 2012 and Amendment Act, 2014 at Police Station Anaj Mandi, Patiala, District Patiala (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners, subject to payment of cost of Rs. 20,000/- to be deposited by the petitioners jointly and Rs. 10,000/- to be deposited by respondents No.2 to 5 jointly within one month from today in ***Poor Patients Welfare Fund, PGIMER, Chandigarh.***

(ALOK JAIN)
JUDGE

February 09, 2024
Parul

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