

CRM-M-53127-2023

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

(286)

CRM-M-53127-2023

Date of Decision:-April 03, 2024

Firdous Alam and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Ms. Diksha, Advocate for
Mr. Vishal Saini, Advocate for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Kapish Singla, 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.0434** dated **04.07.2022** under Sections **406** and **420** of the Indian Penal Code, 1860 (**Sections 120-B, 386, 467, 471, 468** IPC added later on) registered at Thanesar Sadar Police Station, District Kurukshetra (Annexure P-1), and all other subsequent proceedings arising therefrom on the basis of the compromise deed dated 11.10.2023 (Annexure P-2).

2. Keeping in view the fact that the parties entered into a compromise, a Co-ordinate Bench of this Court vide order dated 31.01.2024 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto,

a report dated 28.03.2024 has been received from the Additional Chief

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Judicial Magistrate, Kurukshetra, 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 for 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.0434 dated 04.07.2022** under **Sections 406** and **420** of the Indian Penal Code, 1860 (**Sections 120-B, 386, 467, 471, 468 IPC** added later on) registered at Thanesar Sadar Police Station, District Kurukshetra (Annexure P-1), and all other subsequent proceedings arising therefrom, are hereby quashed *qua* the petitioners, subject to payment of cost of Rs. 25,000/- to be deposited by the petitioners jointly and Rs. 25,000/- to be deposited by respondent No.2 within one month from today in *Poor Patients Welfare Fund, PGIMER, Chandigarh.*

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6. It is made clear that, in case, the respondent No. 2 tries to force the petitioners to deposit the cost or does not deposit the cost imposed on him, the petitioners are at liberty to move an appropriate application for passing appropriate orders against respondent No. 2.

(ALOK JAIN)
JUDGE

April 03, 2024
Parul

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