

CRM-M-57559-2022

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

(282-2)

CRM-M-57559-2022

Date of Decision:-**January 18, 2024**

Mohammad Ashraf and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sunny K. Singla, Advocate
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. M.S. Yadav, Advocate
for respondents No. 2 & 3.

ALOK JAIN, J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of the cross case bearing GD No. 31 dated 12.02.2017 under Section 341, 323, 148, 149 and 201 of the Indian Penal Code (Annexure P-2) in FIR No. 14 dated 11.02.2017, registered under Sections 341, 323, 148 and 149 of Indian Penal Code (Section 201 IPC added later on) at Police Station City-II, Malerkotla, District Malerkotla (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3 and P-4).

2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 14.12.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 02.02.2023 has been received from the Judicial Magistrate 1st Class, Malerkotla, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

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3. Learned State Counsel and learned counsel for respondents No.2 & 3 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. GD No. 31 dated 12.02.2017 under Section 341, 323, 148, 149 and 201 of the Indian Penal Code (Annexure P-2) in FIR No. 14 dated 11.02.2017, registered under Sections 341, 323, 148 and 149 of Indian Penal Code (Section 201 IPC added later on) at Police Station City-II, Malerkotla, District Malerkotla (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners, subject to payment of cost of Rs. 5,000/- to be deposited by the petitioners jointly and Rs. 5,000/- to be deposited by respondents No.2 & 3 jointly in ***Poor Patients Welfare Fund, PGIMER, Chandigarh.***

(ALOK JAIN)
JUDGE

January 18, 2024

Parul

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