

2024:PHHC:006018

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

286

CRM-M-59403-2023
Date of decision:16.01.2024

Pawan Kumar and another

....Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Rishab Garg, Advocate
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

ALOK JAIN, J (ORAL)

1. Prayer in this petition is for quashing of the FIR No.0547 dated 09.11.2019, under Sections 406, 420, 506 of IPC, registered at Police Station Sector 5 Gurgaon, District Gurugram and all other subsequent proceedings arising therefrom on the basis of the compromise dated 18.11.2023 (Annexure P-2)

2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 24.11.2023 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 13.12.2023 has been received from the Judicial Magistrate Ist Class, Gurugram 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 Nos.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 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. Consequently, this petition is allowed. FIR No.0547 dated 09.11.2019, under Sections 406, 420, 506 of IPC, registered at Police Station Sector 5 Gurgaon, District Gurugram , and all consequential proceedings arising therefrom, are hereby quashed qua the petitioners, subject to payment of cost of Rs.15,000/- to be deposited by petitioners collectively and Rs.10,000/- to be deposited by respondent, which shall be deposited within one month from today in the following account:-

Account Name – Punjab and Haryana High Court Bar Association Lawyer’s Family Welfare Fund.

Account No. - 41564846387

Bank Name – SBI High Court Branch

16.01.2024
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(ALOK JAIN)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No