

CRM-M-61093-2023

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

(274)

CRM-M-61093-2023

Date of Decision:-**February 22, 2024**

Darpan Shah

.....Petitioner

Versus

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sandeep Sharma, Advocate for
Mr. Namit Khurana, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Bakul Garg, Advocate for
Ms. Lalita Kashyap, 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. 0034 dated 29.03.2018**, registered under **Sections 419 and 509** of Indian Penal Code, and **Section 67-A** of Information Technology (Amendment) Act, 2008 at Police Station Women Police Station Gurgaon, District Gurugram (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 29.08.2023 (Annexure P-2).

2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 05.12.2023 and 12.01.2024 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 20.01.2024 has been received from the Judicial Magistrate 1st Class, Gurugram, stating that the compromise arrived at between the parties is

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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 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. 0034 dated 29.03.2018**, registered under **Sections 419 and 509** of Indian Penal Code, and **Section 67-A** of Information Technology (Amendment) Act, 2008 at Police Station Women Police Station Gurgaon, District Gurugram (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioner, subject to payment of cost of Rs. 10,000/- to be deposited by the petitioner and Rs. 10,000/- to be deposited by respondent No.2 within one month from today in *Poor Patients Welfare Fund, PGIMER, Chandigarh*.

(ALOK JAIN)
JUDGE

February 22, 2024
Parul

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