

CRM-M-64079-2023

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

(276)

CRM-M-64079-2023

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

Mandeep Kaur

.....Petitioner

Versus

State of Punjab and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Kushagra Mahajan, Advocate for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

Mr. Ankush Rampal, 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.43 dated 21.03.2023** under **Section 325** of the Indian Penal Code, 1860, registered at Police Station Cantonment, District Amritsar (Annexure P-1), and all other subsequent proceedings arising therefrom on the basis of the compromise dated 08.12.2023 (Annexure P-2).

2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 20.12.2023 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 09.02.2024 has been received from the Civil Judge (Jr. Divn.)-cum-Judicial Magistrate 1st Class, Amritsar, 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 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.43 dated 21.03.2023** under **Section 325** of the Indian Penal Code, 1860, registered at Police Station Cantonment, District Amritsar (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioner, subject to payment of cost of Rs. 5,000/- to be deposited by the petitioner and Rs. 5,000/- to be deposited by respondent No.2 within two weeks 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