

CRM-M-16236-2022

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

(139)

CRM-M-16236-2022

Date of Decision:-February 21, 2023

Varun Bagga

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. V.P.S. Mattewal, Advocate for the petitioner.

Mr. Arun Gupta, AAG, Punjab

Mr. Kuljinder Dhindsa, Advocate for respondent No.2.

ALOK JAIN, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 71 dated 30.03.2022, registered under Sections 323 and 354 of Indian Penal Code, 1860, at Police Station Sarabha Nagar, District Police Commissionerate Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise by way of an affidavit dated 02.04.2022 (Annexure P-2).

Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 21.04.2022 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 17.05.2022 has been received from the Chief Judicial Magistrate, Ludhiana, stating that the compromise arrived at between the parties is voluntary and the same is

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without any pressure, coercion or undue influence. As per the report, it transpires that the petitioner is involved in four other cases in which three FIRs are all under Section 188 IPC and the one FIR is under Section 68/1/14 of Essential Commodity Act. Learned counsel for the petitioner, at this stage, has submitted that the petitioner is running a Restaurant-cum-Bar and those FIRs are on that account.

Learned State Counsel and learned counsel appearing on behalf of respondent No.2-complainant admit the factum of compromise and submit that they have no objection to quashing of the FIR on that basis.

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.

In fact, the present petition demonstrates that how the process of law is abused just for the whims and fancies of the person like the complainant, who first slapped the petitioner in full public place and then just to suffice her ego, lodged the present FIR and then has compromised the matter.

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It has been noticed that it has become a trend to misuse and abuse the process of law by lodging false FIRs like in the present case just to satisfy one's own ego. It is a fit case where appropriate action under law by invoking the provisions of Indian Penal Code, 1860, Code of Criminal Procedure, 1973 and other related provisions against complaint deserves to be invoked so that such kind of false, frivolous and manipulated FIRs are not registered, which ultimately lead to wastage of time of the State Machinery, which is thrown into action. Ultimately, it is the tax payer money which has been wasted on account of the false FIR lodged by the complainant.

Although, the Court was of the view to take strict action against the complainant, however, taking a lenient view and by issuing a word of caution, coupled with imposition of heavy cost, this present petition is allowed. FIR No. 71 dated 30.03.2022, registered under Sections 323 and 354 of Indian Penal Code, 1860, at Police Station Sarabha Nagar, District Police Commissionerate Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner, **however, the complainant/respondent no.2 is imposed with the cost of Rs. 1,00,000/- to be paid 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.

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Put up on 27.03.2023 for compliance.

(ALOK JAIN)
JUDGE

February 21, 2023
Parul

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

