

CRM-M-10539 of 2015
Date of Decision: 09.04.2015

YASHWANT JAIN AND OTHERSPetitioners

VERSUS

UT CHANDIGARH AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R. S. Athwal, Advocate
for the petitioners.

Mr. Gagandeep Singh, Addl. Public Prosecutor
for UT, Chandigarh with SI Dilbag Singh
for respondent No.1-State.

Mr. Munish Dewan, Advocate
for respondents No.2 and 3.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH J. (ORAL)

Prayer in this petition is for quashing of FIR No.241 dated 26.05.2014 under Sections 406/498-A IPC Police Station Sector-34, Chandigarh.

The FIR was got registered by respondent No.2. The aforesaid FIR is under the investigation of the police. During the intervening period, parties have amicably settled their dispute by entering into the settlement. The compromise deed dated 16.03.2015 has been executed. According to terms and conditions of the compromise, Miten Jain-husband and Apra Jain-wife have decided to part ways amicably. Other conditions were also formulated in terms of permanent alimni.

Both the parties through their counsel have come present and they are ad idem that all the conditions of compromise have been complied with.

Divorce on the basis of mutual consent has also been filed in which first motion has been completed. The parties through counsel concurrently made the statement before this Court that continuation of criminal proceedings arising out of the FIR in question would result in vacuum and no purpose would be served by continuing the proceedings as it would lead to unnecessary vagaries to both the parties.

This Court is of the opinion that in view of compromise between the parties, chances of conviction of the accused are remote and there is minimal chance of the witnesses coming forward to depose in support of prosecution version. In view of remote chances of conviction, it would be appropriate to exercise discretionary power of this Court under Section 482 Cr.P.C. to put an end to the controversy for all times to come. The compromise would facilitate both the parties to live in peace and to maintain public tranquility and offence in question is personal in nature and does not involve any heinous and serious offence of any mental depravity, nor it involves any offence covered under Prevention of Corruption Act. Therefore, when possibility of conviction is remote and bleak, continuation of criminal proceedings would put the accused to oppression and prejudice. In such a situation the exercise of power to quash the proceedings would be in consonance with the provisions of law to meet ends of justice and to prevent unnecessary continuation of proceedings which may ultimately result in some unnecessary vagaries of criminal trial.

The State on notice, however, object to the aforesaid course, but in order to prevent unnecessary continuation of criminal proceedings on the ground that there are bleak chances of conviction in the case, this Court is of the opinion that it would be in fitness of things to quash the proceedings on the basis of compromise.

This Court has considered the submissions and is satisfied that culmination of impugned proceedings would definitely bring her money between the parties and would serve as ever lasting tool in their favour.

Resultantly, FIR No.241 dated 26.05.2014 under Sections 406/498-A IPC Police Station Sector-34, Chandigarh and all the subsequent proceedings arising therefrom, are quashed.

April 09, 2015
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(RAJ MOHAN SINGH)
JUDGE