

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

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CRM-M-11248-2015

Date of Decision: 19.5.2015

GURDEEP SINGH @ BUTA SINGH AND ANOTHER

.....Petitioners

Vs

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.B.S.Jattana , Advocate
for the petitioners.

Mr.Varun Sharma, AAG, Punjab.

Mr.Parminder Singh, Advocate,
for respondents.

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.

Prayer in this petition is for quashing of FIR No. 70 dated 31.7.2014 registered under Section 498-A IPC at Police Station Boha, District Mansa (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Vide order dated 8.4.2015, parties were directed to appear before trial Court at Budhlada and the trial Court was directed to record their statements and submit its report qua the genuineness of the compromise effected between the parties.

In pursuance to the aforesaid order, both the parties appeared before Judicial Magistrate, 1st Class Budhlada and got their statements recorded in which they have fully endorsed the factum of compromise and stated that the compromise in question is voluntarily executed and is free from all coercion and pressure of any kind.

Judicial Magistrate 1st Class, Budhlada, vide her report dated 2.5.2015 also endorsed the factum of compromise and opined that the compromise in question is genuine, voluntary and is the outcome of volition and free will of 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.

Learned State counsel, 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.

Resultantly, FIR No. 70 dated 31.7.2014 registered under Section 498-A IPC at Police Station Boha, District Mansa (Annexure P-1) and all the subsequent proceedings arising therefrom, are quashed.

(RAJ MOHAN SINGH)
JUDGE

May 19, 2015
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