

242

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.11384 of 2015

Date of Decision: 14.05.2015

Sandeep Singh

.....Petitioner

Vs

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Suresh Kumar Arya, Advocate
for the petitioner.

Mr. Varun Sharma, AAG, Punjab

Ms. Rimple Saini, Advocate
for respondent No.2.

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.221 dated 09.07.2014 registered under Section 498-A IPC at Police Station, Jandiala Guru, District Amritsar, on the basis of compromise.

This Court, on 09.04.2015 passed the following order:-

“Prayer in this petition is for quashing of FIR on the basis of compromise.

Notice of motion for 14.5.2015.

On the asking of Court, Mr. Arshdeep S. Kler, D.A.G., Punjab, accepts notice on behalf of respondent-State. Let a copy of the petition be supplied

to him by learned counsel for the petitioner during the course of the day.

Ms. Rimple Saini, Advocate accepts notice on behalf of respondent No.2.

Both the parties are directed to appear before Judicial Magistrate, 1st Class, Amritsar. On their appearance, Magistrate shall record their statements in order to ascertain genuineness of the compromise in question. Thereafter, Magistrate shall record his satisfaction and submit a report to this effect before the date fixed."

In pursuance to the aforesaid order, both the parties appeared before the Additional Chief Judicial Magistrate, Amritsar 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.

Additional Chief Judicial Magistrate, Amritsar, vide his report dated 05.05.2015, 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.

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.

Resultantly, FIR No.221 dated 09.07.2014 registered under Section 498-A IPC at Police Station, Jandiala Guru, District Amritsar and all the subsequent proceedings arising therefrom, are quashed.

(RAJ MOHAN SINGH)
JUDGE

May 14, 2015
SwarnjitS