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

CRM-M No.11530 of 2014

Date of Decision: 30.07.2015

SUKHPAL SINGH AND OTHERS

.....Petitioners

Vs

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Deepak Nayar, Advocate
for the petitioners.

Mr. Varun Sharma, AAG, Punjab

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)

1) Prayer is for quashing of FIR No.148 dated 16.09.2005 registered under Sections 323, 325, 341, 379, 148, 149 IPC, Police Station Raikot and all subsequent proceedings arising thereof, on the basis of compromise dated 30.01.2013.

2) Both the parties were directed to appear before Illaqa Magistrate, Jagraon for recording their statements with regard to genuineness of compromise in question. Statement of Kulwant Singh as well as joint statement of accused namely Sukhpal Singh, Ajit Singh, Udham Singh, Sarabjit Singh and Rajinder Pal Bansal have

been recorded. Illaqa Magistrate has also recorded his satisfaction vide report dated 22.12.2014. Accused Rajinder Pal Bansal even though was kept in column No.2 but, he also deposed along with other accused in the aforesaid joint statement.

3) 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.

4) The State on notice, however, objects 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.

5) Resultantly, FIR No.148 dated 16.09.2005 registered under Sections 323, 325, 341, 379, 148, 149 IPC, Police Station Raikot and all subsequent proceedings arising therefrom are quashed.

July 30, 2015

SwarnjitS

**(RAJ MOHAN SINGH)
JUDGE**