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

**CRM-M No.12512 of 2015 (O&M)
Date of Decision: 07.08.2015**

GURBAX SINGH

.....Petitioner

Vs

STATE OF PUNJAB & ANR

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sachin Luthra, Advocate for
Mr. Surinder Thakur, Advocate
for the petitioner.

Mr. Jashanpreet Singh, A.A.G., 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)

Prayer made in this petition is for quashing of FIR No.7 dated 10.01.2007, under Sections 382, 34 IPC, P.S. Tanda, District Hoshiarpur, on the basis of compromise.

This Court vide order dated 22.04.2015 directed both the parties to appear before the Judicial Magistrate Ist Class, Hoshiarpur for recording their statements with regard to legality and genuineness of the compromise in question. Learned Magistrate was also directed to record the statements of the parties to its satisfaction and report regarding genuineness of the compromise in question.

Vide order dated 30.07.2015, notice of application for preponement of the date of hearing was issued for today.

The statements of parties recorded before the Magistrate as well report dated 05.05.2015 thereupon have been received in Court. As per report, Gurbax Singh appeared before Principal Magistrate, Juvenile Justice Board-cum-Judicial Magistrate Ist Class, Hoshiarpur on 05.05.2015 and admitted the factum of compromise being voluntary in nature and the same was effected without any pressure or undue influence upon him. Similar statement of Inderjit Singh was also recorded on the even date, who has also endorsed the same facts and gave his no objection in case FIR in question is quashed on the basis of compromise.

After recording the statements of both the parties, Principal Magistrate, Juvenile Justice Board-cum-Judicial Magistrate Ist Class, Hoshiarpur gave his opinion showing satisfaction with regard to nature of compromise being voluntary and the same was executed without there being any pressure or undue influence on 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, 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.

Resultantly, FIR No.7 dated 10.01.2007, under Sections 382, 34 IPC, P.S. Tanda, District Hoshiarpur and all the subsequent proceedings arising therefrom, are quashed.

August 07, 2015
Atik

(RAJ MOHAN SINGH)
JUDGE