

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

244

CRM-M-12952-2015

Date of Decision: 20.7.2015

HARDEEP SINGH AND ORS.

.....Petitioners

Vs

STATE OF PUNJAB AND ANR.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Sarabjit S.Sidhu Advocate,
for the petitioners.

Mr.Navdeep Singh, AAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No. 35 dated 15.4.2014 registered under Sections 498(A), 324, 323, 34 IPC at Police Station Nihal Singh Wala on the basis of compromise.

Vide order dated 24.4.2015, parties were directed to appear before Chief Judicial Magistrate, Ist Class, Moga on 7.5.2015 and the Magistrate 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 Chief Judicial Magistrate, Moga 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.

Chief Judicial Magistrate, Moga, vide her report dated 12.5.2015, also endorsed the factum of compromise and opined that the compromise in question is voluntary and without any coercion.

The disposal of present case on the basis of compromise duly satisfies the parameters given in **Gian Singh v. State of Punjab and another, 2012(4) RCR (Criminal) 543.**

This Court is of the opinion that offence is private in nature and not against the whole society. In **Gian Singh's case** (*supra*), the Hon'ble Supreme Court has discussed in detail the inherent powers of the High Court in quashing criminal proceedings or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape, dacoity etc., as such offences are not private in nature and have serious impact on the society.

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. 35 dated 15.4.2014 registered under Sections 498(A), 324, 323, 34 IPC at Police Station Nihal Singh Wala and all the subsequent proceedings arising therefrom, are quashed.

July 20, 2015
anita

(RAJ MOHAN SINGH)
JUDGE