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

**CRM-M N.13055 of 2015
Date of Decision: 07.08.2015**

DARSHAN SINGH & ORS

.....Petitioners

Vs

STATE OF PUNJAB & ORS

.....Respondents

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

Present: Mr. Ravi Malhotra, Advocate
for the petitioners.

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 in this petition is for quashing of FIR No.151 dated 06.10.2008, under Sections 323/324/325/452/506/148/149 IPC and Section 326 IPC added later on, Police Station Kartarpur, District Jalandhar, on the basis of compromise.

By order dated 28.04.2015, a co-ordinate Bench of this Court directed both the parties to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to genuineness of the compromise in question.

Subsequently by order dated 30.06.2015, date of appearance of the parties before the Illaqa Magistrate/trial Court was

further extended to 10.07.2015.

The report of Judicial Magistrate Ist Class, Jalandhar reveals that parties had in fact appeared on 25.05.2015 itself, but it was on account of delay in submission of report before this Court further date was sought and was accordingly acceded to.

Apparently both the parties have made their statements before the Judicial Magistrate Ist Class, Jalandhar, endorsing the factum of compromise effected between them voluntarily its genuineness. Learned Magistrate has also formed his opinion with regard to correctness and voluntary nature of compromise vide report dated 01.07.2015.

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.151 dated 06.10.2008, under Sections 323/324/325/452/506/148/149 IPC and Section 326 IPC added later on, Police Station Kartarpur, District Jalandhar and all the subsequent proceedings arising therefrom, are quashed.

August 07, 2015

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(RAJ MOHAN SINGH)
JUDGE