

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

246

CRM-M-13195-2015

Date of Decision: 20.07.2015

GIRIJA SHANKAR AND ORS

.....Petitioners

Vs

STATE OF HARYANA & ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sumit Gupta, Advocate
for the petitioners.

Mr. Arun Luthra, AAG, Haryana.

None for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No. 200 dated 7.4.2011 registered under Sections 498-A, 406, 506, 34 IPC at Police Station Jhajjar District Jhajjar on the basis of compromise.

Vide order dated 27.4.2015, parties were directed to appear before Chief Judicial Magistrate, Ist Class, Jhajjar 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 Judicial Magistrate Ist Class, Jhajjar 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.

Judicial Magistrate Ist Class, Jhajjar, vide her report dated 18.5.2015, 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. 200 dated 7.4.2011 registered under Sections 498-A, 406, 506, 34 IPC at Police Station Jhajjar District Jhajjar and all the subsequent proceedings arising therefrom, are quashed.

July 20, 2015
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(RAJ MOHAN SINGH)
JUDGE