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

Date of Decision: 29.07.2015

1. CRM-M-14693 of 2015

Kamaljit Kaur and another Petitioners

Vs

State of Punjab and another Respondents

And

2. CRM-M No.15234 of 2015

**Jugraj Singh and others
.....Petitioners**

Vs

**State of Punjab and another
.....Respondents**

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

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

Mr. Arshdeep S. Kler, DAG, Punjab

Ms. Kuljeet Kaur, Advocate for
Mr. D.S. Sidhu, Advocate
for respondent No.2.

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) This order will dispose of CRM-M-15234 of 2015 titled as
Jugraj Singh and others Vs. State of Punjab and another and CRM-

M-14693 of 2015 titled as Kamaljit Kaur and another Vs. State of Punjab and another on the basis of compromise. FIR No.213 dated 12.11.2013 was registered under Sections 323, 324 read with Section 34 IPC at Police Station Dharamkot, District Moga at the instance of Kamaljit Kaur. This FIR has been assailed in CRM-M-15234 of 2015 on the basis of compromise which is hereinafter known as version. Kamaljit Kaur and another have also assailed cross-version to the aforesaid FIR No.213 dated 12.11.2013, under Sections 323, 324, 325 IPC and (Section 326 IPC added later on) read with Section 34 IPC, Police Station Dharamkot, District Moga on the basis of compromise in CRM-M-14693 of 2015.

2) On 06.05.2015 following order was passed in CRM-M-14639 of 2015:-

“Prayer made in this petition is for quashing of FIR on the basis of compromise dated 26.11.2013.

Notice of motion for 29.07.2015.

In the meanwhile, parties are directed to appear before the trial Court/Ilalaqa Magistrate on 11.05.2015 and the trial Court/Ilalaqa Magistrate, after recording their statements, shall submit its report with regard to genuineness of the compromise vis-a-vis number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.”

CRM-M-15234 of 2015 came up for consideration before this Court on 18.05.2015. Notice of motion was issued for

29.07.2015 and the petition was ordered to be heard along with CRM-M-14693 of 2015.

3) In pursuance to order dated 06.05.2015 passed by this Court, Kamaljit Kaur, Balbir Singh and Nirvair Singh appeared before the Judicial Magistrate Ist Class, Moga on 11.05.2015 and made their statements to the effect that both the parties have settled the dispute amicably by way of entering into compromise, which was voluntarily executed between them on account of their free will.

4) Judicial Magistrate Ist Class, Moga, vide his report dated 13.05.2015 has also endorsed genuineness and voluntary nature of compromise. In CRM-M-15234 of 2015, reply has been filed by respondent No.2. Kamaljit Kaur admits the factum of compromise having been entered with the intervention of common relatives and respectables of the locality. Now they want to reside peacefully.

5) 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.**

6) 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.

7) 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 inherent and 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.

8) 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 just, expedient and in fitness of things to quash the proceedings on the basis of compromise.

9) Resultantly, FIR No.213 dated 12.11.2013, under Sections 323, 324 read with Section 34 IPC, Police Station Dharamkot, District Moga and cross version in aforesaid FIR, under Sections 323, 324, 325 IPC and (Section 326 IPC added later on) read with Section 34 IPC, Police Station Dharamkot, District Moga on the basis of compromise and all the incidental proceedings arising therefrom, are quashed.

July 29, 2015

prince

(RAJ MOHAN SINGH)
JUDGE