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

**CRM-M No.15420 of 2014 (O&M)
Date of Decision: 26.05.2015**

Surjit Singh @ Sonu

.....Petitioner

Vs

State of Punjab and anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ajay Singla, Advocate
for the petitioner.

Mr. Arshdeep S. Kler, DAG, Punjab.

Mr. Narinder Lucky, 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)

Prayer in this petition is for quashing of FIR No.71 dated 24.03.2013 under Sections 341/354-A/506/309/511 IPC, Police Station Basti Bawa Khel, Distt. Jalandhar on the basis of compromise.

Learned counsel states that charges were framed only under Sections 341/354-A IPC and other offences were deleted.

Vide order dated 27.10.2014, this Court directed the parties to appear before Area Magistrate on 18.11.2014 for recording their

statements. Magistrate was directed to sent a report after recording the statements on the factum of genuineness of the compromise in question. Subsequently, one more opportunity was granted to the parties to appear before Area Magistrate to get their statements recorded, vide order dated 19.12.2014.

Parties have already appeared before the Magistrate and their statements have been recorded. Statements of accused Surjit Singh @ Sonu and complainant Gargi shows that they have entered into compromise and the same has been effected voluntarily without any undue influence and coercion. No other litigation is pending inter se with them. Magistrate has also verified the voluntary nature of compromise with his report dated 16.01.2015.

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, objected 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.71 dated 24.03.2013 under Sections 341/354-A/506/309/511 IPC, Police Station Basti Bawa Khel, Distt. Jalandhar and all the subsequent proceedings arising therefrom, are quashed.

May 26, 2015
prince

(RAJ MOHAN SINGH)
JUDGE