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

CRM-M No.15649 of 2015
Date of Decision: 28.07.2015

PAWAN KUMAR @ PAWAN SINGH AND OTHERS

.....Petitioners

Vs

STATE OF PUNJAB AND ANR.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Parmod Parmar, Advocate
for the petitioner.

Mr. Arshdeep Singh Kler, DAG, 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.91 dated 31.05.2012 registered under Sections 406, 498A IPC at Police Station City Kharar, District SAS Nagar, on the basis of compromise.

This Court, on 14.05.2015 passed the following order:-

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

Notice of motion for 28.07.2015.

In the meanwhile, parties are directed to appear before the Illaqa Magistrate/trial Court on 26.05.2015 and the Illaqa Magistrate/trial Court, 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.”

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Kharar on 26.05.2015 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, Kharar, vide his report dated 27.05.2015, 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, 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.91 dated 31.05.2012 registered under Sections 406, 498A IPC at Police Station City Kharar, District SAS Nagar and all the subsequent proceedings arising therefrom, are quashed.

July 28, 2015
SwarnjitS

(RAJ MOHAN SINGH)
JUDGE