

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

253

CRM-M-16674-2015

Date of Decision: 6.8 .2015

JASWINDER KAUR AND ANR

.....Petitioners

Vs

STATE OF PUNJAB & ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Varun Sharma, Advocate for
for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

Mr. Ranbir Singh Jammu, Advocate,
for respondents No.2 and 3.

RAJ MOHAN SINGH, J.

Prayer in this petition is for quashing of FIR No. 25 dated 25.4.2012 registered under Sections 447, 406, 380, 506, 120-B IPC at Police Station Lambran District Jalandhar on the basis of compromise.

Vide order dated 20.5.2015, parties were directed to appear before the trial court/ Illaqa Magistrate on 15.7.2015 and the trial Court/ Illaqa Magistrate was directed to record their statements and submit its report qua the genuineness of the compromise effected between the parties.

Learned counsel appearing on behalf of respondents

No.2 and 3 has also admitted the factum of compromise and recording of statements of the parties before the trial Court.

In pursuance to the aforesaid order, both the parties appeared before Chief Judicial Magistrate (NRI), Jalandhar 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.

Chief Judicial Magistrate (NRI), Jalandhar, vide his report dated 17.7.2015, also endorsed the factum of compromise and opined that the compromise in question is genuine and without any pressure or coercion.

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.

Learned State counsel, 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. 25 dated 25.4.2012 registered under Sections 447, 406, 380, 506, 120-B IPC at Police Station Lambran District Jalandhar and all the subsequent proceedings arising therefrom, are quashed.

August 06, 2015
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(RAJ MOHAN SINGH)
JUDGE