

CRM-M No. 1669 of 2015

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 1669 of 2015
Date of Decision: 11.05.2015

Himanshu Verma

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amar Ashok Pathak, Advocate
for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

Mr. Chanchal Singla, Advocate
for respondent No.3.

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)

The prayer in this petition for quashing of FIR No.34 dated 21.04.2011 under Sections 406/420 IPC, Police Station Mataur, District Mohali on the basis of compromise.

Then on 27.03.2015, this Court passed the following order:-

“Both the parties are directed to appear before the Judicial Magistrate Ist Class, Mohali on 07.04.2015 and get their statements recorded.

On appearance of both the parties before Judicial Magistrate Ist Class, Mohali, the Magistrate shall record their statements and make his opinion with regard to genuineness and voluntary nature of the compromise and after recording the satisfaction,

prepare a report and send the same to this Court before the date fixed.

Adjourned to 11.05.2015.”

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate 1st Class, Mohali 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 1st Class, Mohali, vide his report dated 08.04.2015, 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

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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.34 dated 21.04.2011 under Sections 406/420 IPC, Police Station Mataur, District Mohali and all the subsequent proceedings arising therefrom, are quashed.

May 11, 2015
SwarnjitS

(RAJ MOHAN SINGH)
JUDGE