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

**CRM-M No.188 of 2015
Date of Decision: 06.07.2015**

SATNAM SINGH AND ORS

.....Petitioners

Vs

STATE OF PUNJAB & ORS

.....Respondents

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

Present: Mr. Sanket Sharma, Advocate
for the petitioners.

Mr. Varun Sharma, A.A.G., Punjab.

Ms. Nidhi, Advocate for
Mr. S.S. Behl, 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.253 dated 20.12.2013, under Sections 307, 452, 295, 34, 506, 120-B IPC, P.S. Division No.7, Ludhiana and also DDR No.15 dated 21.12.2013, registered at the instance of petitioner No.5 which was ultimately converted into complaint, on the basis of compromise.

During the course of investigation, offence under Sections 452, 307 and 120-B IPC were deleted and offence under Section

326 IPC was added. Challan was presented accordingly.

Vide order dated 06.01.2015, parties were directed to appear before the trial Court to get their statements recorded. Trial Court was also directed to send a report with regard to validity and genuineness of the compromise in question.

In pursuance to the aforesaid order passed by this Court, both the parties have appeared before the Judicial Magistrate Ist Class, Ludhiana on 04.03.2015 and got their statements recorded, endorsing the factum of compromise to be genuine and voluntary in nature.

After recording statements of both the parties, Judicial Magistrate Ist Class, Ludhiana has also concurred the genuineness and voluntary nature of the compromise vide its report dated 10.03.2015.

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, 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.253 dated 20.12.2013, under Sections 307, 452, 295, 34, 506, 120-B IPC, P.S. Division No.7, Ludhiana, DDR No.15 dated 21.12.2013, and all the subsequent proceedings arising therefrom, are quashed.

July 06, 2015
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(RAJ MOHAN SINGH)
JUDGE