

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

CRM-M No.2014 of 2015  
Date of Decision: 20.04.2015

Harbans Singh & another .....Petitioners

Versus

State of Punjab & another .....Respondents

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

Present: Mr. Rakesh Chopra, Advocate  
for the petitioners.

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

Mr. Puneet Singh, Advocate  
for the respondent No.2.

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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.210 dated 26.11.2014, registered under Sections 452, 323, 506, 34 IPC, at Police Station Fatehgarh Sahib, District Fatehgarh Sahib, on the basis of compromise.

This Court on 21.01.2015, passed the following order:-

*“Through the present petition, the petitioners have prayed for quashing of FIR No. 210 dated 26.11.2014 under sections 452, 323, 506 read with Section 34 of the Indian Penal Code registered in Police Station Fatehgarh Sahib, District Fatehgarh Sahib and proceedings emanating therefrom, on the basis of compromise (Annexure P2).*

*Notice of motion for 24.03.2015.*

*Parties are directed to appear before the Illaqa Magistrate/ trial Court for recording their statements with regard to compromise/settlement on 06.02.2015.*

*The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-*

- (1) number of persons arrayed as accused in FIR*
- (2) whether any accused is proclaimed offender.*
- (3) whether the compromise is genuine, voluntary, and without any coercion or undue influence."*

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Fatehgarh Sahib on 06.02.2015 and got their statements recorded in which they have fully endorsed the factum of compromise endorsing the factum of compromise.

*Judicial Magistrate Ist Class, Fatehgarh Sahib*, vide his report also formed his opinion that the compromise in question is voluntarily in nature and has been effected without any undue influence or coercion. No accused has been declared as proclaimed offender. The factum of compromise has been duly endorsed by the Judicial Magistrate Ist Class, Fatehgarh Sahib.

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

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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, 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.210 dated 26.11.2014, registered under Sections 452, 323, 506, 34 IPC, at Police Station Fatehgarh Sahib, District Fatehgarh Sahib and all the subsequent proceedings arising therefrom, are quashed.

20.04.2015  
*sachin*

**[RAJ MOHAN SINGH]**  
**JUDGE**