

240-A

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

**CRM-M No.2033 of 2015
Date of Decision: 26.03.2015**

RAMJAN AND OTHERS

.....Petitioners

Vs

STATE OF HARYANA & ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gagandeep Singh, Advocate for
Mr. A.S. Manaise, Advocate
for the petitioners.

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

Mr. Arvinder Arora, 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.119 dated 27.06.2008 registered under Sections 148, 149, 323, 324, 506 IPC at Police Station Naraingarh, Ambala, on the basis of compromise.

This Court, on 24.02.2015 passed the following order:-

“Learned counsel for the petitioners as well as learned counsel for respondent No.2 state that compromise has been effected between the parties.

Now the parties are directed to appear before the learned trial Court i.e. where the case is pending on

12.03.2015 and to get recorded their statements regarding compromise and after recording their statements, learned trial Court, is directed to send the report regarding the genuineness of compromise on or before the date fixed i.e. 26.03.2015.

A copy of this order be sent to learned trial Court, through fax, for compliance.”

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate 1st Class, Naraingarh 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, Naraingarh, vide his report dated 17.03.2015, 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, 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.119 dated 27.06.2008 registered under Sections 148, 149, 323, 324, 506 IPC at Police Station Naraingarh, Ambala and all the subsequent proceedings arising therefrom, are quashed.

March 26, 2015

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(RAJ MOHAN SINGH)
JUDGE