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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.2060 of 2015

Date of Decision: 14.05.2015

Jagtar Singh

.....Petitioner

Vs

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. H.S. Randhawa, Advocate
for the petitioner.

Mr. Varun Sharma, AAG, Punjab

- 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.114 dated 25.05.2004 (Annexure P1) registered under Sections 457, 511 IPC at Police Station Sadar Ropar, District, Ropar, on the basis of compromise.

This Court, on 21.01.2015 passed the following order:-

“Learned counsel for the petitioner has submitted that the accused who had faced the trial, have since been acquitted by the trial Court. However, now the petitioner has amicably settled the dispute with the complainant.

Notice of motion for 21.04.2015.

In the meantime, parties are directed to appear before the Area Magistrate and the Area Magistrate, after recording statements of the

complainant/victims, shall send its report qua the genuineness of the compromise along with copies of the statements.

Petitioner is also directed to surrender before the trial Court within one week from today and the trial Court shall release the petitioner on interim bail subject to its satisfaction.”

In pursuance to the aforesaid order, both the parties appeared before the Chief Judicial Magistrate, Rupnagar 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, Rupnagar, vide his report dated 23.02.2015, 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.114 dated 25.05.2004 registered under Sections 457, 511 IPC at Police Station Sadar Ropar, District, Ropar and all the subsequent proceedings arising therefrom, are quashed.

(RAJ MOHAN SINGH)
JUDGE

May 14, 2015
SwarnjitS