

211-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.21364 of 2014
Date of Decision: 01.04.2015

AMAR PAL & ORS

.....Petitioners

Vs

STATE OF HARYANA & ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. K.S. Banyana, Advocate for
Mr. Mohit Chugh, Advocate
for the petitioners.

Mr. Rajesh K. Sheoran, Addl. A.G., Haryana.

Mr. Ram Bilas Gupta, Advocate
for respondents No.2 to 4.

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.60 dated 12.06.2014 registered under Sections 148/149/323/452/506 IPC at Police Station Chhaisa, District Faridabad, on the basis of compromise dated 23.06.2014 (Annexure P-2).

This Court vide order dated 30.06.2014 directed the parties to appear before Illaqa Magistrate/trial Court for recording their statements with regard to genuineness of the compromise.

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Faridabad and got their statements recorded to the effect that they have amicably resolved their differences. The compromise in question has been pleaded to be voluntary and without any undue influence or pressure.

Judicial Magistrate Ist Class, Faridabad, also endorsed the factum of compromise in her report dated 14.08.2014 that the compromise is on account of free will, without fear and is voluntary in nature.

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.60 dated 12.06.2014 registered under Sections 148/149/323/452/506 IPC at Police Station Chhaisa, District Faridabad and all the subsequent proceedings arising therefrom, are quashed.

April 01, 2015

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(RAJ MOHAN SINGH)
JUDGE