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

**CRM-M No.226 of 2014
Date of Decision: 09.07.2015**

Iqbal Khan @ Happy and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Naveen Batra, Advocate
for the petitioners.

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.154 dated 25.12.2010 registered under Sections 323, 324, 341, 506, 326, 34 IPC, Police Station Mahilpur, District Hoshiarpur and all consequential proceedings arising therefrom on the basis of compromise.

On 24.01.2014, following order was passed:

“ This is a petition for quashing of FIR No.154, dated 25.12.2010, under Sections 323, 324, 326, 341 and 506 read with Section 34, IPC, registered at Police Station, Mahilpur, District Hoshiarpur, and all other consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion for 04.03.2014.

In the meantime, the affected parties shall appear before the learned trial court on 10.02.2014, which shall record their respective statements with regard to the compromise and send its detailed report in that regard along with copies of the statements, on or before the date fixed.”

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate 1st Class, Hoshiarpur 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, Hoshiarpur, vide her report dated 22.02.2014, 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.

Petitioners along with Sukhdev Singh son of Paramjit Singh were arrayed as accused in the FIR. Co-accused Sukhdev Singh was declared proclaimed offender and non-bailable warrants have already been issued against him. Therefore, he cannot join array of petitioners before this Court.

Resultantly, FIR No.154 dated 25.12.2010 registered under Sections 323, 324, 341, 506, 326, 34 IPC, Police Station Mahilpur, District Hoshiarpur and all the subsequent proceedings arising therefrom, are quashed.

July 09, 2015
prince

(RAJ MOHAN SINGH)
JUDGE