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

**CRM-M No.25372 of 2013
Date of Decision: 09.07.2015**

Gurjeet Singh

.....Petitioner

Vs

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Nitu Singh, Advocate for
Mr. H.S.Baath, 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.52 dated 31.05.2012 incorporated in report under Section 173 Cr.P.C under Sections 294, 506 IPC, Police Station Nangal, District Ropar and all consequential proceedings arising therefrom on the basis of compromise.

This Court vide order dated 05.08.2013 directed both the parties to appear before the trial Court. Trial Court was directed to record their statements with regard to validity and genuineness of the compromise. Thereafter, trial Court was directed to send a report

with regard to genuineness of the compromise.

In pursuance to the aforesaid order, parties appeared before the Judicial Magistrate Ist Class, Anandpur Sahib on 09.05.2014 and got their statements recorded with regard to voluntary nature of compromise. Judicial Magistrate Ist Class, Anandpur Sahib has also submitted his report on the validity of compromise.

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.52 dated 31.05.2012 incorporated in report under Section 173 Cr.P.C under Sections 294, 506 IPC, Police Station Nangal, District Ropar and all the subsequent proceedings arising therefrom, are quashed.

July 09, 2015
prince

(RAJ MOHAN SINGH)
JUDGE