

234-A

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

**CRM-M No.24656 of 2014
Date of Decision: 31.03.2015**

MAMTA DOGRA AND ANOTHER

.....Petitioners

Vs

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ritesh Pandey, Advocate
for the petitioners.

Mr.Yogesh Kumar Gupta, A.A.G, Punjab.

Mr. Dhawaljit Dutta, Advovate for
Mr. Gur Ajay Pal Singh, 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.61 dated 21.05.2010 registered under Sections 341, 324, 323, 326, 148, 149 IPC, at P.S. Qadian, Police Distt. Batala, Distt. Gurdaspur, on the basis of compromise.

This Court, on 23.07.2014 passed the following order:-

“Through the present petition, the petitioners have prayed for quashing of FIR No.61 dated 21.05.2010 for offence under Sections 341, 324, 323, 326, 148, 149

IPC registered at Police Station Qadian, Police District Batala, District Gurdaspur, on the basis of compromise dated 18.03.2013 (Annexure P2).

Notice of motion for 17.11.2014.

Parties are directed to appear before the Illaqa Magistrate / trial Court for recording their statements with regard to compromise/settlement on 29.08.2014.

The Illaqa Magistrate / trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

(1) number of persons arrayed as accused in FIR

(2) whether any accused is proclaimed offender.

(3) whether the compromise is genuine, voluntary, and without any coercion or undue influence.”

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Batala 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 Ist Class, Batala, vide his report dated 12.09.2014. 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.61 dated 21.05.2010 registered under Sections 341, 324, 323, 326, 148, 149 IPC, at P.S. Qadian, Police Distt. Batala, Distt. Gurdaspur and all the subsequent proceedings arising therefrom, are quashed.

March 31, 2015

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**(RAJ MOHAN SINGH)
JUDGE**