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

CRM-M No.25284 of 2014
Date of Decision: 16.07.2015

Satnam Singh and Others

.....Petitioners

Vs

State of Punjab and Anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Navjinder S. Sidhu, Advocate
for the petitioners.

Mr. Varun Sharma, AAG, Punjab.

Mr. Swaran Tiwana, Advocate
for the 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)

1) Prayer in this petition is for quashing of FIR No.67 dated 29.05.2014 registered under Sections 328, 380, 120-B IPC at Police Station Kathu Nagal, Tehsil and District Amritsar Rural and all other consequential proceedings, on the basis of compromise.

2) This Court, on 20.04.2015 passed the following order:-

“Prayer in this petition is for quashing of FIR No.67 dated 29.05.2014, registered under Sections 328, 380, 120-B IPC, at Police Station Kathu Nagal, Tehsil and District Amritsar Rural, on

the basis of compromise.

Both the parties are directed to appear before the Judicial Magistrate Ist Class, Amritsar on 05.05.2015 and get their statements recorded. The Magistrate is directed to form opinion with regard to veracity and genuineness of the compromise and thereafter send the same to this Court before the adjourned date.

Adjourned to 16.07.2015.”

- 3) In pursuance to the aforesaid order, both the parties appeared before the Additional Chief Judicial Magistrate, Amritsar 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.
- 4) Additional Chief Judicial Magistrate, Amritsar, vide his report dated 08.07.2015, 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.
- 5) The disposal of present case on the basis of compromise duly satisfies the parameters given in **Gian Singh v. State of Punjab and another, 2012(4) RCR (Criminal) 543.**
- 6) This Court is of the opinion that offence is private in nature and not against the whole society. In **Gian Singh's case** (*supra*), the Hon'ble Supreme Court has discussed in detail the inherent powers of the High Court in quashing criminal

proceedings or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape, dacoity etc., as such offences are not private in nature and have serious impact on the society.

- 7) 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.
- 8) 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 just expedient and in fitness of things to quash the proceedings on the basis of compromise.

9) Resultantly, FIR No.67 dated 29.05.2014 registered under Sections 328, 380, 120-B IPC at Police Station Kathu Nagal, Tehsil and District Amritsar Rural and all other consequential proceedings arising therefrom, are quashed.

July 16, 2015
SwarnjitS

(RAJ MOHAN SINGH)
JUDGE