

201

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

**CRM-M No.2580 of 2015
Date of Decision: 25.05.2015**

SHASHI @ SHASHI THAKUR AND ANOTHER

.....Petitioners

Vs

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. F.S. Virk, Advocate
for the petitioners.

Mr. Arshdeep Singh Kler, DAG, 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.176 dated 17.10.2014 registered under Sections 406/420/506 IPC at Police Station Division No.8, Jalandhar (Annexure P-2) and all subsequent proceedings arising out of the FIR on the basis of compromise.

This Court, on 23.01.2015 passed the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.176 dated 17.10.2014, under Sections 406/420/506 IPC, registered at Police Station, Division No.8, Jalandhar on the basis of compromise (Annexure P-3).

Notice of motion.

Mr.R.S.Randhawa, Addl.AG,Punjab. on the asking of the Court, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioners undertakes to supply a copy of the petition to the learned Addl.AG during the course of the day. Since the present petition is for quashing of FIR, the parties are directed to be present before the Illaqa Magistrate/Chief Judicial Magistrate on 26.02.2015 or any other date convenient to the Magistrate for recording their statements with regard to compromise. The Illaqa Magistrate/Chief Judicial Magistrate is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Illaqa Magistrate/Chief Judicial Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not before the next date of hearing.

Adjourned to 25.05.2015 for awaiting the report of the Illaqa Magistrate/Chief Judicial Magistrate.”

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Jalandhar and got their statements recorded on 18.03.2015, 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.

Complainant Ram Niwas Singla is present in Court and has been duly identified by ASI Amrik Singh. Complainant has also endorsed the factum of compromise.

Judicial Magistrate 1st Class, Jalandhar, vide his report dated 21.05.2015, 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.

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.176 dated 17.10.2014 registered under Sections 406/420/506 IPC at Police Station Division No.8, Jalandhar (Annexure P-2) and all the subsequent proceedings arising therefrom, are quashed.

May 25, 2015
SwarnjitS

(RAJ MOHAN SINGH)
JUDGE