

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

CRM-M No.27413 of 2014

Date of Decision: 21.04.2015

Ashok Kumar

.....Petitioner

Vs

State of Haryana & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Vivek Chauhan, Advocate for
Mr. Mohit Garg, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, D.A.G., Haryana.

None for the respondents No.2 and 3.

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.63 dated 09.07.2014, registered under Sections 323, 341, 365, 384, 406, 420 506 IPC, at Police Station Titram, District Kaithal, on the basis of compromise.

This Court, on 27.10.2014 passed the following order:-

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“Reply on behalf of the respondent-State has been filed in Court today and the same is taken on record.

Since it is a petition for quashing of the FIR on the basis of compromise, let the statements of the parties be recorded before the Illaqa Magistrate. Both the parties are directed to be present before the Illaqa Magistrate on 11.11.2014 or any other date convenient to the Court for recording their statements with regard to compromise. The Illaqa Magistrate is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Illaqa Magistrate is also directed to send a report alongwith statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not before the next date of hearing. The Illaqa Magistrate is also directed to intimate with regard to pendency of any P.O. proceedings against the parties.

To come up on 14.1.2015.”

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Kaithal on 22.12.2014 and got their statements recorded to the effect that both the parties have amicably settlement their differences. The Magistrate has also endorsed the factum of compromise thereby opining that the compromise in question is voluntary in nature and is free from any pressure or coercion.

Judicial Magistrate Ist Class, Kaithal, vide his report dated

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09.01.2015, 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.

Learned State counsel, 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

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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.63 dated 09.07.2014, registered under Sections 323, 341, 365, 384, 406, 420 506 IPC, at Police Station Titram, District Kaithal and all the subsequent proceedings arising therefrom, are quashed.

21.04.2015

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**(RAJ MOHAN SINGH)
JUDGE**