

242

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

**CRM-M No.29105 of 2014
Date of Decision: 26.03.2015**

TARSEM SINGH AND OTHERS

.....Petitioners

Vs

STATE OF PUNJAB AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Malkeet Singh, Advocate
for the petitioners.

Mr. Varun Sharma, A.A.G., Punjab.

Mr. B.S. Sidhu, 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.24 dated 12.03.2003 registered under Sections 323, 324, 325, 34 IPC at Police Station Rahon, District SBS Nagar, on the basis of compromise.

This Court, on 26.08.2014 passed the following order:-

“This petition has been filed, seeking quashing of FIR No.24 dated 12.03.2013, registered for the alleged commission of offences punishable under Sections 323/324/325/34 IPC, at Police Station Rahon, District SBS

Nagar, as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between the petitioners and respondent No.2. The statements of the petitioners and respondent No.2 have been annexed as Annexures P-2 and P-3, with the petition.

Notice of motion, returnable on 28.10.2014.

In the meanwhile, the petitioners, as also respondent No.2, would appear before the learned Illaqa Magistrate on 15.09.2014, to record their statements. The Illaqa Magistrate would satisfy himself/herself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure and would send his/her report to this Court, before the next date of hearing.”

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, SBS Nagar 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, SBS Nagar, vide his report dated 10.02.2015, 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.

At one point of time Judicial Magistrate, SBS Nagar, vide order dated 22.02.2014 refused to entertain, the compounding of offences on the basis of compromise solely on the ground that in view of amendment made in Section 324 IPC, the cancellation report

cannot be accepted in view of the said provision being made non-compoundable.

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.24 dated 12.03.2003 registered under Sections 323, 324, 325, 34 IPC at Police Station Rahon, District SBS Nagar and all the subsequent proceedings arising therefrom, are quashed.

March 26, 2015

Atik

**(RAJ MOHAN SINGH)
JUDGE**