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

**CRM-M No.33428 of 2013
Date of Decision: 18.05.2015**

Nirmal Sahi etc.

.....Petitioners

Vs

State of Punjab etc.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R. S. Malhotra, Advocate
for the petitioners.

Mr. Arshdeep S. Kler, DAG, Punjab

Ms. Surinder Kaur, 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 Annexure-P-1 bearing No.249 dated 28.09.2012 registered under Sections 419/420/467/468/471/120-B IPC, Police Station City Rajpura, District Patiala, on the basis of compromise.

This Court, on 08.10.2013, passed the following order:-

“Learned counsel, inter alia, contended that the parties have amicably settled their disputes, by means of compromise deed/affidavit dated 21.08.2013 (Annexure P-2) and the criminal

case registered against the petitioners in pursuance of impugned FIR (Annexure P-1) is liable to be quashed.

Heard.

Notice of motion be issued to the respondents, returnable for 25.11.2013.

Meanwhile, the trial Court is directed to indicate (i) how many total accused are facing the trial, (ii) status/stage of the trial/case, (iii) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise/affidavit (Annexure P-2) between them and (iv) to send its report to this Court before the next date of hearing.”

In pursuance to the aforesaid order, both the parties appeared before the Sub Divisional Judicial Magistrate, Rajpura 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.

Sub Divisional Judicial Magistrate, Rajpura, vide his report dated 11.11.2013, 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.

At one point of time, process was issued against Prithi Chand Sharma in terms of Section 82 Cr.P.C but subsequently file was taken up by the Magistrate in view of order passed by this Court on 08.10.2013 for recording statements of the parties. Therefore, no order for declaring Prithi Chand Sharma as proclaimed offender was

passed and said Prithi Chand Sharma appeared before the Magistrate on 02.02.2015 and that is how the report submitted by Sub Divisional Judicial Magistrate, Rajpura has been explained.

It has been brought to the notice of this Court that petitioner No.1-Nirmal Sahi has expired. This fact has not been controverted by learned counsel for the complainant. In view of that proceedings qua petitioner No.1 abated.

Resultantly, FIR Annexure-P-1 bearing No.249 dated 28.09.2012 registered under Sections 419/420/467/468/471/120-B IPC, Police Station City Rajpura, District Patiala, and all the subsequent proceedings arising therefrom, are quashed.

May 18, 2015
prince

(RAJ MOHAN SINGH)
JUDGE