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

**CRM-M No.31830 of 2014
Date of Decision: 21.05.2015**

JHIRMAL SINGH AND ORS.

.....Petitioners

Vs

STATEOF PUNJAB AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. B.S. Jaswal, Advocate
for the petitioners.

Mr. Arshdeep Singh Kler, DAG, Punjab

Mr. Bishan Dass Rana, Advocate
for Mr. Deepak Kumar, Advocate
for repsondent 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.55 dated 06.03.2009 (Annexure P1) registered under Sections 420/465/467/468/471/120-B IPC at Police Station Beas, District Amritsar on the basis of compromise.

Learned counsel for the petitioner states that in all, there were 6 accused, out of them, 5 have come forward by way of filing present petition. Sixth accused namely Man Singh could not join the proceedings, but he has been arrayed as respondent No.3. In pursuance to order passed by this Court, statement of respondent

No.3 has also been recorded before the Magistrate. This Court vide order dated 21.11.2014, directed both the parties to appear before Magistrate in order to prove genuineness of the compromise. Both the parties appeared before Magistrate and got their respective statements recorded on 19.12.2014. Thereafter, Sub Divisional Judicial Magistrate, Baba Bakala Sahib formed an opinion with regard to genuineness and voluntary nature of compromise vide report dated 05.01.2015.

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 counsel on notice, however, objected 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.55 dated 06.03.2009 (Annexure P1) registered under Sections 420/465/467/468/471/120-B IPC at Police Station Beas, District Amritsar and all the subsequent proceedings arising therefrom, are quashed.

May 21, 2015
SwarnjitS

(RAJ MOHAN SINGH)
JUDGE