

242-A

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

**CRM-M No.3317 of 2015
Date of Decision: 26.03.2015**

Amarjit Singh and another

.....Petitioners

Vs

State of Punjab and another

.....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 05.02.2015 passed the following order:-

“Learned counsel for the petitioners contends that the parties have entered into a compromise. It is a case of version and cross version. In the cross version, the opposite party has filed CRM-M No.29105 of 2014, in which

the learned Judicial Magistrate 1st Class, S.B.S. Nagar was directed to record the statements of the parties.

Notice of motion for 03.03.2015.

In the meanwhile, the parties are directed to appear before the learned Judicial Magistrate 1st Class, S.B.S. Nagar on or before 23.02.2015, who shall record the statements of the parties and report to this Court whether the parties have compromised the matter and if so, report to this Court whether the same is genuine and without any pressure.”

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate 1st 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 1st 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.

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

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(RAJ MOHAN SINGH)
JUDGE