

231

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.36553 of 2013 (O&M)
Date of Decision:19.05.2015

Narinder Singh & Ors.

.....Petitioners

Vs

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amit Saini, Advocate
for the petitioners.

Mr. Varun Sharma, AAG, Punjab

Mr. Jagjit Singh Gill, Advocate
for respondent Nos.3 and 4.

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.103 dated 09.09.2013 registered under Sections 452, 324, 323, 34 IPC read with Section 3, 4 of Scheduled Caste and Scheduled Tribes Act, 1989 at Police Station Khamano (Annexure P1), on the basis of compromise.

This Court, on 29.10.2013, directed the parties to appear before Illaqa Magistrate for recording their statements in order to ascertain validity of the compromise in question.

Thereafter, respondent Nos.3 and 4 were also impleaded as party respondents and vide order dated 23.12.2014, respondent Nos.3

and 4 were also directed to appear before the Magistrate and get their statements recorded. Statements were accordingly recorded and Judicial Magistrate Ist Class, Fatehgarh Sahib has also endorsed the factum of compromise vide report dated 21.02.2015.

Judicial Magistrate Ist Class, Fatehgarh Sahib, vide his report dated 21.02.2015, 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

CRM-M No.36553 of 2013 (O&M)

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.103 dated 09.09.2013 registered under Sections 452, 324, 323, 34 IPC read with Section 3, 4 of Scheduled Caste and Scheduled Tribes Act, 1989 at Police Station Khamano and all the subsequent proceedings arising therefrom, are quashed.

(RAJ MOHAN SINGH)
JUDGE

May 19, 2015
SwarnjitS