

201-A

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

**CRM-M No.34600 of 2014
Date of Decision: 14.05.2015**

CHHINDER PAL @ SHINDER PAL & ANR.

.....Petitioners

Vs

STATE OF PUNJAB & ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sandeep Jasuja, Advocate
for the petitioner.

Mr. Arshdeep S. Kler, D.A.G., Punjab.

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.92 dated 12.05.2014, under Sections 304, 325, 506, 34 IPC, Police Station Sadar Fazilka, on the basis of compromise.

Learned counsel for the petitioners states that in pursuance to order dated 20.01.2015, parties have appeared before Judicial Magistrate Ist Class, Fazilka on 24.03.2015. Initially offence in terms of Section 304 IPC was also added but as per challan presented, only offence under Section 325, 506, 34 IPC are surviving offences.

In pursuance to the aforesaid order statement of both the parties have been recorded by Judicial Magistrate Ist Class, Fazilka

on 24.03.2015 in which both the parties have endorsed the factum of compromise being voluntary in nature.

Judicial Magistrate 1st Class, Fazilka has also prepared her report, endorsing genuineness of the compromise vide her report dated 07.04.2015 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.92 dated 12.05.2014, under Sections 304, 325, 506, 34 IPC, Police Station Sadar Fazilka and all the subsequent proceedings arising therefrom, are quashed.

May 14, 2015

Atik

(RAJ MOHAN SINGH)
JUDGE