

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

CRM-M No.3706 of 2015

Date of Decision: 26.03.2015

Resham Singh & others

.....Petitioners

Vs

State of Punjab & another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. P.K. Sharma, Advocate
for the petitioners.

Mr. Varun Sharma, A.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 cross-version in FIR No.106 dated 05.07.2013, registered under Sections 452, 379, 323, 148, 149 IPC, at Police Station Makhu, on the basis of compromise.

This Court, on 04.02.2015 passed the following order:-

“Learned counsel for the petitioners contends that there were allegations of theft of turban and giving simple injuries after trespass. Now, the parties have entered into a compromise. As a result of which cross complaint has

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been withdrawn.

Notice of motion for 26.03.2015.

In the meanwhile, the parties are directed to appear before the learned Illaqa Magistrate, having jurisdiction of P.S. Makhu, District Ferozepur within three weeks, 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 Ist Class, Zira 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 Ist Class, Zira, 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

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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.106 dated 05.07.2013, registered under Sections 452, 379, 323, 148, 149 IPC, at Police Station Makhu and all the subsequent proceedings arising therefrom, are quashed.

26.03.2015
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(RAJ MOHAN SINGH)
JUDGE