

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

CRM-M No.3736 of 2015
Date of Decision: 09.04.2015

Jasvir Kaur & othersPetitioners

Vs

State of Punjab & othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Hitesh Verma, Advocate
for the petitioners.

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

Mr. Amarinder Verma Advocate,
for the respondents No.2 & 3.

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)

Petitioners seek quashing of FIR No.206 dated 02.08.2014, registered under Sections 342, 365, 148, 149 IPC, at Police Station City Barnala, on the basis of compromise.

2. This Court, on 04.02.2015 passed the following order:-

“Notice of motion for 09.04.2015.

*At the asking of the Court, Ms. Harsimrat Rai,
DAG, Punjab, accepts notice on behalf of the State. At
this stage, Ms. Poonam Verma, Advocate, appears on*

behalf of respondent Nos.2 and 3, and admits the factum of compromise. Complete copies of the paper book have been handed over to the learned counsel for the respondents, in the Court.

The parties shall appear before the learned Chief Judicial Magistrate/Ilalaqa Magistrate, on 11.03.2015, to get their statements recorded regarding the veracity of the compromise.

The learned Court, after recording the statements, will send a report regarding the genuineness of the compromise being arrived at between the parties, along with the statements, to the Registrar Judicial of this Court, within a week thereafter. The Court shall also report as to whether the present petition has been filed on behalf of all the accused and whether any of the accused has been declared proclaimed offender in the present FIR? A copy of the report be also sent through fax.”

3. In pursuance to the aforesaid order, both the parties appeared before the Chief Judicial Magistrate, Barnala and got their statements recorded on 11.03.2015 that genuine compromise has been effected between the parties.

4. Chief Judicial Magistrate, Barnala, vide his report dated 12.03.2015, also endorsed the factum of genuine compromise and opined that the compromise in question is genuine, voluntary,

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without any coercion or undue influence and is the outcome of volition and free will of the parties.

5. 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.

6. Learned State counsel, 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

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in fitness of things to quash the proceedings on the basis of compromise.

7. Resultantly, FIR No.206 dated 02.08.2014, registered under Sections 342, 365, 148, 149 IPC, at Police Station City Barnala and all the subsequent proceedings arising therefrom, are quashed.

09.04.2015

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[RAJ MOHAN SINGH}
JUDGE