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

**CRM-M No.38241 of 2014
Date of Decision: 27.04.2015**

Balwinder Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Sonia Sharma, Advocate
for the petitioners.

Mr. Yogesh Kumar Gupta, 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 FIR No.111 dated 29.09.2010 registered under Sections 326/452/323/34 IPC at Police Station Ghuman, Tehsil Batala, District Gurdaspur on the basis of compromise.

This Court, on 12.12.2014 passed the following order:-

“This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 111 dated 29.09.2010 registered under Sections 326/452/323/34 Indian Penal Code (for short 'IPC') at Police Station Ghuman, Tehsil Batala, District Gurdaspur and all other consequential proceedings arising therefrom

on the basis of an amicable settlement arrived at between the parties.

Respondent No. 2 – Nirmal Singh is present in person. He is duly identified by HC Satnam Singh, Police Station Ghuman, Tehsil Batala, District Gurdaspur. Respondent No. 2 affirms the factum of compromise/settlement dated 22.08.2014 (Annexure P-2) effected between the parties. He further submits that he has no objection to the quashing of the aforementioned FIR.

In view of above, the parties are directed to appear before the learned trial Court on 24.12.2014, the date stated to be fixed before the trial Court. Their statements in respect to the compromise shall be recorded. Report be submitted by the learned trial Court in regard to the genuineness of the compromise whether it has been entered into out of free will and volition of the parties, without any fear, apprehension, undue influence or coercion. It should also be informed whether the petitioners are proclaimed offenders. Any other case pending against the petitioners should also be noted.

Adjourned to 23.01.2015.”

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Batala 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, Batala, vide his report dated 15.01.2015, 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.111 dated 29.09.2010 registered under Sections 326/452/323/34 IPC at Police Station Ghuman, Tehsil Batala, District Gurdaspur and all the subsequent proceedings arising therefrom, are quashed.

April 27, 2015

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**(RAJ MOHAN SINGH)
JUDGE**