

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

CRM-M No.39780 of 2014

Date of Decision: 30.03.2015

Ravikant @ Ravi & another

.....Petitioners

Vs

State of Haryana & another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.K. Kaushik, Advocate
for the petitioners.

Mr. Pardeep Prakash Chahar, D.A.G., Haryana.

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.68 dated 26.07.2010, registered under Sections 323, 324, 326, 34 IPC, at Police Station G.R.P. Panipat, District Karnal, on the basis of compromise.

This Court, on 20.11.2014 passed the following order:-

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“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 68 dated 26.07.2010, under Sections 323/324/326/34 IPC, registered at Police Station, GRP Panipat, District Karnal.

Notice of motion.

Ms.Shruti Goyal, AAG, Haryana, on the asking of the Court, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned AAG during the course of the day.

Since the present petition is for quashing of FIR on the basis of compromise, the parties are directed to be present before the trial Court on 28.11.2014 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial Court is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not before the next date of hearing.

Adjourned to 20.02.2015 for awaiting the report of the trial Court”

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Karnal and got their statements recorded in which they have fully endorsed the

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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 1st Class, Karnal, vide his report dated 09.12.2014, 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

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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.68 dated 26.07.2010, registered under Sections 323, 324, 326, 34 IPC, at Police Station G.R.P. Panipat, District Karnal and all the subsequent proceedings arising therefrom, are quashed.

30.03.2015
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(RAJ MOHAN SINGH)
JUDGE