

237

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

**CRM-M No.40816 of 2014
Date of Decision: 05.05.2015**

B.S. Sandhu and ors.

.....Petitioners

Vs

State of Punjab and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. D.K. Bhatti, Advocate
for the petitioners.

Mr. Arshdeep S. Kler, DAG, 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.149 dated 06.06.2014 registered under Sections 452/323/506/148/149 IPC, (Section 452 IPC deleted after enquiry report dated 27/06/2014) Police Station Jodhewal, Distt. Ludhiana City on the basis of compromise.

Vide order dated 06.02.2015 parties were again directed to appear before the trial Court/illaqa Magistrate on 23.02.2015. Earlier directions issued on 29.11.2014 could not be complied with as none could appear before the Magistrate for recording their statements. That is how the order dated 06.02.2015 came to be passed, directing the parties to appear before the trial Court/Illaq Magistrate and trial Court was directed to record statement of all the effected parties and shall also report about

the voluntary nature of the compromise in question.

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Ludhiana 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, Ludhiana, vide its report dated 02.03.2015 through District and Sessions Judge, Ludhiana also endorsed the factum of compromise and opined that the compromise in question is genuine, voluntary and is the outcome of own 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, objects 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.149 dated 06.06.2014 registered under Sections 452/323/506/148/149 IPC, (Section 452 IPC deleted after enquiry report dated 27/06/2014) Police Station Jodhewal, Distt. Ludhiana and all the subsequent proceedings arising therefrom, are quashed.

May 05, 2015
prince

(RAJ MOHAN SINGH)
JUDGE