

**240+240A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision:-12.05.2015

1. CRM No.M-4080 of 2015

Mani Ram & OthersPetitioners

Vs.

State of Punjab and anotherRespondents

2. CRM No.M-4079 of 2015

Raj Pal and OthersPetitioners

Vs.

State of Punjab and anotherRespondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sumit Dua, Advocate
for Mr. M.K. Singla, Advocate
for the petitioners.

Mr. Varun Sharma, AAG, Punjab.

Mr. Dinesh Kumar, Advocate
for respondent Nos.2 to 4 in CRM No.M-4080 of 2015 and
for petitioners in CRM No.M-4079 of 2015.

- 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)

Vide this order Criminal Miscellaneous No.M-4080 of 2015,
titled as “Mani Ram and Others Vs. State of Punjab and another” and

Criminal Miscellaneous No.M-4079 of 2015, titled as “Rajpal and Others Vs. State of Punjab and Another” are being disposed of.

Criminal Miscellaneous No.M-4080 of 2015 relates to quashing of FIR No.82 dated 17.11.2011 under Sections 324, 323, 34 (Section 325 added later on), Police Station, Khannauri, District Sangrur and Criminal Miscellaneous No.M-4079 of 2015 relates to quashing of cross case registered vide DDR No.30 dated 18.11.2011 under Sections 452, 323, 148, 149 IPC (charges were framed under Sections 325, 323, 452, 148, 149 IPC) in FIR No.82 dated 17.11.2011 under Sections 324, 323, 34 IPC (Section 325 IPC added later on), Police Station, Khannauri, District Sangrur on the basis of compromise.

In both cases, this Court vide order dated 09.02.2015 directed both the parties to appear before the trial Court. Trial Court was directed to ascertain the validity or otherwise of the compromise.

In pursuance to the aforesaid order dated 09.02.2015 passed by this Court, both the parties appeared before Sub Divisional Judicial Magistrate, Moonak on 31.03.2015 and got their respective statements recorded, endorsing the factum of compromise having been entered into between the parties without any inducement, threat or coercion.

The Sub Divisional Judicial Magistrate, Moonak has also formed his opinion with regard to genuineness and voluntary in nature of compromise and made a report to this effect on 22.04.2015 in CRM No.M-4080 of 2015 and on 03.04.2015 in CRM No.M-4079 of 2015.

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.82 dated 17.11.2011 under Sections 324, 323, 34 IPC (Section 325 IPC added later on), Police Station, Khannauri, District Sangrur in Criminal Miscellaneous No.M-4080 of 2015 and DDR No.30 dated 18.11.2011 under Sections 452, 323, 148, 149 IPC (charges were framed under Sections 325, 323, 452, 148, 149 IPC) in FIR No.82 dated 17.11.2011 under Sections 324, 323, 34 IPC (Section 325 IPC

added later on), registered at Police Station, Khannauri, District Sangrur in Criminal Miscellaneous No.M-4079 of 2015 and all the subsequent proceedings arising therefrom, are quashed.

**(RAJ MOHAN SINGH)
JUDGE**

May 12, 2015
SwarnjitS