

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

CRM-M No.41279 of 2014

Date of Decision: 30.03.2015

Rupinder Singh & others

.....Petitioners

Vs

State of Haryana & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanjay Jain, Advocate
for the petitioners.

Mr. Ripu Daman, A.A.G. Haryana.

Mr. D.K. Prajapati, Advocate
for the respondent No.2.

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.64 dated 06.03.2011, registered under Sections 498-A, 406, 506 IPC, at Police Station Pehowa, District Kurukshetra, on the basis of compromise.

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This Court, on 03.12.2014 passed the following order:-

“The petitioners are seeking quashing of FIR No.64 dated 06.03.2011 under Sections 498-A/406/506 IPC registered at Police Station Pehowa, District Kurukshetra (Annexure P-1) and the order (Annexure P-2) whereby the petitioner have been declared proclaimed offenders.

Learned counsel for the petitioners submits that the petitioners are residing abroad and the matter, which is off shoot of matrimonial discord, has now been resolved. Respondent No.2 has been paid a sum of Rs.24 lacs in lieu of dowry articles as well as towards her maintenance. The copy of the compromise has been attached as Annexure P-3.

The parties are directed to appear before the trial Court on 15.01.2015 for recording their statements about the authenticity of the compromise and the trial Court shall submit the report whether the compromise has been voluntarily arrived at between the parties before the next date of hearing.

The petitioners, who have been declared proclaimed offenders, shall surrender before the trial Court within a period of one month from today and file bail application which will be decided on merits by the trial Court on that very day.

Arrest of the petitioners shall remain stayed for a period of one month from today or till filing of the bail application before the trial Court, whichever is earlier.

Adjourned to 10.02.2015.”

In pursuance to the aforesaid order, both the parties appeared before the Sub Divisional Judicial Magistrate, Pehowa and

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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.

Sub Divisional Judicial Magistrate, Pehowa, 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

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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.64 dated 06.03.2011, registered under Sections 498-A, 406, 506 IPC, at Police Station Pehowa, District Kurukshetra and all the subsequent proceedings arising therefrom, are quashed.

30.03.2015
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(RAJ MOHAN SINGH)
JUDGE