

258

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

**CRM-M No.4152 of 2015
Date of Decision: 09.04.2015**

**SWARANJIT SINGH @ LOVELY Petitioner
Vs
STATE OF PUNJAB AND ANR Respondents**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rahul Rampal, Advocate
for the petitioner.

Mr. Varun Sharma, 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.50 dated 14.02.2013 registered under Sections 354, 323, 506 IPC, at Police Station Division No.7, District Ludhiana on the basis of compromise.

This Court, on 09.02.2015 passed the following order:-

“Contends that the parties have amicably settled their dispute, vide compromise dated 08.12.2014 (Annexure P-2).

Notice of motion for 09.04.2015.

At the asking of the Court, Ms. Harsimrat Rai, DAG, Punjab, accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

The parties shall appear before the learned trial Court, on 11.03.2015, to get their statements recorded

regarding the veracity of the compromise.

The learned Court, after recording the statements, will send a report regarding the genuineness of the compromise being arrived at between the parties, along with the statements, to the Registrar Judicial of this Court, within a week thereafter. The Court shall also report as to whether the present petition has been filed on behalf of all the accused and whether any of the accused has been declared proclaimed offender in the present FIR ? A copy of the report be also sent through fax.”

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 his report dated 04.04.2015, 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.50 dated 14.02.2013 registered under Sections 354, 323, 506 IPC at Police Station Division No.7, District Ludhiana and all the subsequent proceedings arising therefrom, are quashed.

April 09, 2015

Atik

(RAJ MOHAN SINGH)
JUDGE