

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

CRM-M No.42994 of 2014

Date of Decision: 30.03.2015

Ravinder Kumar & others

.....Petitioners

Vs

State of Punjab & another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Tarun Singla, Advocate
Mr. A.K. Khunger, Advocate
for the petitioners.

Mr. Varun Sharma, A.A.G., Punjab.

None 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.75 dated 02.08.2013, registered under Sections 379, 406, 420, 120-B IPC, at Police Station Bahawwala, District Fazilka, on the basis of

CRM-M No.42994 of 2014

compromise.

This Court, on 16.12.2014 passed the following order:-

“Prayer in the present petition is for quashing of FIR on the basis of compromise.

Notice of motion.

On the asking of the Court, notice on behalf of the State has been accepted by Ms. Ritu Punj, Addl. AG, Punjab.

Mr. R.K. Singla, Advocate, who is present in the Court accepts notice on behalf of respondent No.2.

Let the statements of the parties be recorded. Parties are directed to be present before the trial Court on 24.12.2014 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 its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial Court is 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 case is pending against either of the parties or not before the next date of hearing. The trial Court is also directed to intimate with regard to pendency of any P.O. proceedings against the parties.

Adjourned to 23.02.2015.”

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Abohar 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

CRM-M No.42994 of 2014

kind.

Judicial Magistrate 1st Class, Abohar, vide his report dated 12.02.2015, 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

CRM-M No.42994 of 2014

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 of FIR No.75 dated 02.08.2013, registered under Sections 379, 406, 420, 120-B IPC, at Police Station Bahavwala, District Fazilka and all the subsequent proceedings arising therefrom, are quashed.

30.03.2015
sachin

(RAJ MOHAN SINGH)
JUDGE