

237

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

**CRM-M No.43236 of 2014
Date of Decision: 06.07.2015**

Jitender @ Montu and others

.....Petitioners

Vs

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Lovkesh Gupta, Advocate
for the petitioners.

Mr. Arun Luthra, AAG, Haryana.

None for 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.435 dated 29.04.2010 under Section 148/149/323/325/506 IPC, Police Station City Karnal, District Karnal on the basis of compromise.

This Court, on 26.03.2015 passed the following order:-

“It has been reported that 4th April, 2015 is the date fixed before the Judicial Magistrate Ist Class, Karnal.

Let both the parties appear before learned Judicial Magistrate Ist Class, Karnal to make statement on 04.04.2015.

Learned Magistrate is directed to record his

satisfaction whether the compromise is genuine and has been recorded voluntarily, free will and without any pressure on the parties.

Adjourned to 23.04.2015.”

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Karnal 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, Karnal, vide his report dated 07.04.2015, 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.435 dated 29.04.2010 under Section 148/149/323/325/506 IPC, Police Station City Karnal, District Karnal and all the subsequent proceedings arising therefrom, are quashed.

July 06, 2015
prince

(RAJ MOHAN SINGH)
JUDGE