

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.43662 of 2014
Date of Decision: 30.04.2015

Jasmine Arora and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.S.Dadwal, Advocate
for the petitioners.

Mr.Varun Sharma, AAG, Punjab.

Mr.Rajeev Sharma, Advocate,
for respondents No.2 to 5.

- 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.

Prayer in this petition is for quashing of FIR No.69 dated 16.12.2013 registered under Section 420 IPC at Police Station Mattewal District Amaritsar (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Vide order dated 19.3.2015, parties were directed to appear before Sub Divisional Judicial Magistrate, Baba Bakala Sahib, Amritsar and the Magistrate was directed to record their

statements and submit its report qua the genuineness of the compromise effected between the parties.

In pursuance to the aforesaid order, both the parties appeared before Sub Divisional Judicial Magistrate, Baba Bakala Sahib, Amritsar 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.

Sub Divisional Judicial Magistrate, Baba Bakala Sahib, Amritsar, vide his report dated 15.4.2015, 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.

Learned State counsel, 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.

The compromise in question is fully in consonance with the guidelines framed in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and **Gian Singh vs. State of Punjab and another 2012 (4) RCR (Crl.) 543.**

Resultantly, FIR No.69 dated 16.12.2013 registered under Section 420 IPC at Police Station Mattewal District Amaritsar and all the subsequent proceedings arising therefrom, are quashed.

**(RAJ MOHAN SINGH)
JUDGE**

April 30, 2015
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