

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

**CRM-M-5002-2015 (O&M)
Date of Decision : 22.04.2015**

Bhushan Vij @ Bharat Bhushan & another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present : Mr. Amit Verma, Advocate
for the petitioners.

Mr. Varun Sharma, AAG, Punjab.

Mr. C.L. Verma, Advocate
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 complaint case No. 1/1 dated 27.1.2006 titled as "Navneet Kumar Thapar vs. Bhushan Vij and others" under Sections 452, 427, 354, 324, 323, 506, 509, 34 IPC, Police Station Division No. 4, Ludhiana, District Ludhiana, and all subsequent proceedings arising therefrom, on the basis of compromise.

This Court on 04.03.2015, passed the following order:-

"In this petition FIR No.5 dated 07.01.2006, under Sections 323, 324, 325 IPC, Police Station Division no.4, Ludhiana is sought to be quashed on the basis of compromise dated 31.01.2015 (Annexure 'P-2').

It is informed that the proceedings are

pending before Judicial Magistrate Ist Class, Ludhiana.

Parties are directed to appear before the Court of learned Judicial Magistrate Ist Class, Ludhiana on 07.03.2015 and make their statements on the factum of compromise.

Trial Court is directed to record the statements of parties in order to ascertain veracity of the compromise and thereafter send the same along with statements of the parties, so recorded.

Adjourned to 22.04.2015.”

This Court on 20.03.2015, passed the following order:-

“Notice of the application.

At the asking of Court, Mr. Arshdeep S. Kler, D.A.G., Punjab accepts notice on behalf of respondent No.1 and Mr.C.L.Verma, Advocate accepts notice on behalf of respondent No.2.

This order is in continuation to the order dated 4.3.2015 to the extent of making clarification that prayer made in this petition is for quashing of the complaint case No.1/1 of 27.1.2006 titled as “Navneet Kumar Thapar vs. Bhushan Vij and others” under Sections 452, 427, 354, 324, 323, 506, 509, 34 IPC, Police Station Division No.4, Ludhiana District Ludhiana (Annexure P-1) on the basis of compromise dated 31.1.2015 (Annexure P-3). Inadvertently, on account of mentioning of Police Station Division No.4, Ludhiana, a recital on FIR was made in the order.

It is clarified that the prayer is in the context as aforementioned and now parties are directed to appear before the Court of learned Judicial Magistrate, Ist Class, Ludhiana on 30.3.2015 and make their statements on the factum of

compromise.

Trial Court is directed to record its satisfaction with regard to genuineness of the compromise and also with regard to number of persons involved in the case and whether any of the person has been declared proclaimed offender or not. Let report of the learned Judicial Magistrate, Ist Class, Ludhiana be submitted to this Court before the adjourned date i.e. 22.4.2015.

Application stands disposed of accordingly.”

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.

Judicial Magistrate Ist Class, Ludhiana, vide his report also formed his opinion that the compromise in question is voluntarily in nature and has been effected without any undue influence or coercion. No accused has been declared as proclaimed offender. The factum of compromise has been duly endorsed by the Judicial Magistrate Ist Class, Ludhiana.

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, objected 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, complaint case No. 1/1 dated 27.1.2006 titled as "Navneet Kumar Thapar vs. Bhushan Vij and others" under Sections 452, 427, 354, 324, 323, 506, 509, 34 IPC, Police Station Division No. 4, Ludhiana, District Ludhiana, and all the subsequent proceedings arising therefrom, are quashed.

(RAJ MOHAN SINGH)
JUDGE

22.04.2015
'SP'