

**CRM-M No.5189 of 2014**  
**Date of Decision:07.04.2015**

**MUNISH MALHOTRA AND OTHERS** ..... **Petitioners**

## VERSUS

STATE OF PUNJAB AND ANOTHER ..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Ms. Sushma Chopra, Advocate  
for the petitioners.

Mr. Varun Sharma, AAG, Punjab.

Mr. Yash Pal Gupta, Advocate for  
Ms. Chetna Gupta, 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 the FIR No.20 dated 29.01.2014 under Sections 364, 148, 149, 120-B IPC at Police Station City Jagraon, District Ludhiana.

Seeing the possibility of compromise, the matter was referred to Mediation and Conciliation Centre of this Court. The matter was deliberated between the parties and they have reached amicable settlement on 03.03.2015.

In view of aforesaid settlement, both the parties have agreed to compromise with each other on the following terms and conditions;

"a) *Both the parties (boy and his family members and girl and herfamily members) agree that they have resolved their dispute to their satisfaction and they have no grievance against each other.*

- b) *Both the parties (boy and his family members and girl and her family members) state and agree that no marriage ever took place between Munish and Chetna.*
- c) *There are a few original documents of the girl namely Matriculation Certificate, Higher Secondary(+2) Certificate, Blood Group Certificate, few blank signed papers, which are lying with Munish and his family members. However, on asking, the family members of Munish said that the original documents have been mis-placed and could not be found by the family members despite many efforts made by them. However, the photo copies are available with them which they have handed over to the parents of the girl. Munish and his family state that they will never misuse the original documents to any effect, if at all, ever found by them.*
- d) *Both the parties further state and agree that no trouble of any sort will be given to the other party by them or other family members. They will not have any kind of communication or association with each other. They will not enter into any kind of litigation with each other in future also.*
- e) *The boy and the girl namely Munish and Chetna will not have any kind of association, communication, connection with each other through telephone, internet or any other mode of communication."*

In addition to aforesaid conditions, the girl and her family members undertook to withdraw pending cases, the details of which are given in Para No.6 of the settlement/agreement.

Learned counsel for the parties have shown their concurrence, in order to give effect to the terms and conditions of the compromise. Both the parties shall have no claim or demand against each other. After fulfilling of the terms and conditions of the settlement and they would remain bound by the settlement.

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, the prayer in this petition is allowed and FIR No.20 dated 29.01.2014 under Sections 364, 148, 149, 120-B of IPC registered at Police Station City Jagraon, District Ludhiana along with entire subsequent proceedings undertaken in pursuance thereof stand quashed.

**(RAJ MOHAN SINGH)**  
**JUDGE**

April 07, 2015  
*rittu*