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

CRM-M No.5567 of 2015
Date of Decision: 28.07.2015

GURJANT SINGH AND ANOTHER

.....Petitioners

Vs

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.K. Sama, Advocate
for the petitioners.

Mr. Arshdeep Singh Kler, DAG, Punjab

Mr. Satbir Singh Gill, Advocate
for Mr. Kamal Narula, Advocate
for the complainant/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)

1) Prayer in this petition is for quashing of FIR No.268 dated 26.11.2014 registered under Sections 420/120-B IPC at Police Station Sadar Jalalabad, District Fazilka and all consequential proceedings arising therefrom on the basis of compromise dated 09.01.2015.

This Court, on 27.03.2015 passed the following order:-

"Prayer in this petition is for quashing of cross-version in FIR No.268 dated 26.11.2014, registered under Sections 420, 120-B IPC, at Police Station Sadar, Jalalabad,

District Fazilika, on the basis of compromise.

Both the parties are directed to appear before the Judicial Magistrate Ist Class, Jalalabad, District Fazilike on 10.04.2015 and on their appearance, Magistrate shall record their statements and submit report with regard to veracity and genuineness of the compromise in question and make a report to that effect and send the same to this Court before the adjourned date.

Adjourned to 08.05.2015.”

- 2) In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Jalalabad(W) 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.
- 3) Judicial Magistrate Ist Class, Jalalabad(W), vide his report dated 13.04.2015, 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.
- 4) The disposal of present case on the basis of compromise duly satisfies the parameters given in **Gian Singh v. State of Punjab and another, 2012(4) RCR (Criminal) 543.**
- 5) This Court is of the opinion that offence is private in nature and not against the whole society. In **Gian Singh's case (supra)**, the Hon'ble Supreme Court has discussed in detail the inherent powers of the High Court in quashing criminal proceedings or FIR or complaint where the parties have entered

into compromise except the cases which involve offences such as murder, rape, dacoity etc., as such offences are not private in nature and have serious impact on the society.

6) 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.

7) 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 just expedient and in fitness of things to quash the proceedings on the basis of compromise.

- 8) Resultantly, FIR No.268 dated 26.11.2014 registered under Sections 420/120-B IPC at Police Station Sadar Jalalabad, District Fazilka and all consequential proceedings arising therefrom, are quashed.

July 28, 2015

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**(RAJ MOHAN SINGH)
JUDGE**