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

**CRM-M No.6077 of 2015 (O&M)
Date of Decision: 08.07.2015**

AMARDEEP SINGH

.....Petitioner

Vs

STATE OF PUNJAB & ANR

.....Respondents

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

Present: Mr. Deepak Bhardwaj, Advocate
for the petitioner.

Mr. Arshdeep S. Kler, D.A.G., Punjab.

Mr. Varun Sharma, Advocate for
Mr. Ashwani Prashar, 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 FIR No.2 dated 02.08.2013, under Sections 406/498-A/494 IPC, P.S. Women Cell, District SAS Nagar, Mohali on the basis of compromise.

Vide order dated 24.02.2015, this Court directed the parties to appear before the Illaqa Magistrate/trial Court for recording their statements with regard to compromise. Illaqa Magistrate/trial Court was directed to submit a report, disclosing information with

regard to number of persons arrayed as accused in the FIR, whether any of the accused is proclaimed offender or not and whether compromise is genuine and is without any undue influence or not.

In pursuance to aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, SAS Nagar (Mohali) on 31.03.2015 and got their statements recorded. Parties have deposed in categoric manner. Compromise in question is genuine and is the result of free will and voluntary consent of the parties. Complainant in his deposition stated that he has no objection if the FIR against the accused is quashed as per compromise.

Judicial Magistrate Ist Class, SAS Nagar (Mohali) vide his report dated 01.04.2015 endorsed the factum of compromise and submitted that the compromise in question is genuine and has been voluntarily executed between the parties without any pressure or inducement.

It is relevant to mention here that co-accused Rimpi has filed CRM-M No.19474 of 2014 for quashing of FIR in question and this Court vide order dated 28.11.2014 has allowed the petition, thereby quashing the FIR and all subsequent proceedings arising therefrom.

None of the accused is proclaimed offender in the present case. There is nothing on record to doubt the correctness of the compromise effected between the parties. Both the parties have shown their willingness to live in peace and maintain public harmony.

The present case falls under the category of those cases which can be allowed to be settled by way of compromise in view of parameters laid down by Hon'ble the Supreme Court in **Gian Singh v. State of Punjab and another, 2012(4) RCR (Crl.) 543.**

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.2 dated 02.08.2013, under Sections 406/498-A/494 IPC, P.S. Women Cell, District SAS Nagar, Mohali and all the subsequent proceedings arising therefrom, are quashed.

July 08, 2015

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(RAJ MOHAN SINGH)
JUDGE