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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.7074 of 2015
Date of Decision: 26.03.2015

SOHAN SINGH AND OTHERS

.....Petitioners

Vs

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Baltej Singh Sidhu, Advocate
for the petitioners.

Mr. Varun Sharma, A.A.G., Punjab.

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 cross-version dated 12.03.2003 under Sections 324, 148, 149 IPC in FIR No.24 dated 12.03.2003, registered under Sections 323, 324, 325, 34 IPC at Police Station Rahon, District SBS Nagar, on the basis of compromise.

This petition was ordered to be listed along with **CRM-M No.29105 of 2014** as the same FIR is in issue. In compliance to the order dated 26.08.2014 passed in the said case, parties have already appeared before the Judicial Magistrate, Ist Class, SBS Nagar 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.

Judicial Magistrate 1st Class, SBS Nagar, vide his report dated 10.02.2015, 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 counsel for the State, 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, cross-version dated 12.03.2003 under Sections 324, 148, 149 IPC in FIR No.24 dated 12.03.2003, registered under Sections 323, 324, 325, 34 IPC at Police Station Rahon, District SBS Nagar and all the subsequent proceedings arising therefrom, are quashed.

March 26, 2015

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(RAJ MOHAN SINGH)
JUDGE