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

**CRM-M No.743 of 2015  
Date of Decision: 16.07.2015**

**Parwinder Kumar Chhabra**

**.....Petitioner**

**Vs**

**State of Punjab and another**

**.....Respondents**

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

Present: Mr. D.S. Khurana, Advocate  
for the petitioners.

Mr. Varun Sharma, AAG, Punjab.

Mr. Jaswinder Singh, Advocate  
for respondent No.2.

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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.51 dated 16.04.2014 under Sections 493, 495, 496, 420, 406 IPC, Police Station Division No.2, Pathankot, District Gurdaspur and all the incidental proceedings arising therefrom on the basis of compromise.
- 2) Vide order dated 09.01.2015, this Court directed the parties to appear before the trial Court/Illaq Magistrate on 21.01.2015 but parties could not appear on the date fixed due to

misconception of facts. As such, on 30.04.2015, parties were again directed to appear before the trial Court/Illaqa Magistrate to get their statements recorded on 07.05.2015. In the event of their appearance, trial Court/Illaqa Magistrate was directed to record their statements in order to ascertain the genuineness of the compromise and also form an opinion with regard to voluntary nature of compromise.

3) In pursuance to the aforesaid order, both the parties appeared before the Chief Judicial Magistrate, Pathankot 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.

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) Chief Judicial Magistrate, Pathankot vide his report dated 08.05.2015, 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.

7) 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 inherent and 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.

8) 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.

9) Resultantly, FIR No.51 dated 16.04.2014 under Sections 493, 495, 496, 420, 406 IPC, Police Station Division No.2, Pathankot, District Gurdaspur and all the incidental proceedings arising therefrom, are quashed.

July 16, 2015  
*prince*

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