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

**CRM-M No.7813 of 2015(O&M)
Date of Decision: 03.07.2015**

M/s Chandigarh Builders & Promoters Ltd and others

.....Petitioners

Vs

UT of Chandigarh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Surjeet Bhadu, Advocate
for the petitioners.

Mr. J.S. Toor, Advocate, APP, UT, Chandigarh.

Mr. Deepak 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 FIR No.357 dated 14.11.2014 registered under Sections 419/420/467/468/471/120-B IPC, Police Station Sector 31, Chandigarh on the basis of compromise.

This Court, on 06.04.2015 passed the following order:-

“Prayer in this petition is for quashing of FIR No.357 dated 14.11.2014, registered under Sections 419, 420, 467, 468, 471, 120-B IPC, at Police Station Sector 31,

U.T. Chandigarh, District Chandigarh.

Both the parties are directed to appear before the Judicial Magistrate Ist Class, Chandigarh, on 20.04.2015 at 10.00 a.m. On their appearance, Judicial Magistrate would be obligated to record their statements and form an opinion with regard to veracity and genuineness of the compromise and make a report to that effect. The report be sent to this Court before the adjourned date.

Adjourned to 28.05.2015.”

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Chandigarh on 20.04.2015 and got their statements recorded in respect of genuineness and veracity of compromise. Judicial Magistrate Ist Class, Chandigarh has also endorsed factum of compromise in her report dated 20.04.2015.

In the FIR, five persons have been arrayed as accused. Out of total five accused Dilip Ganesh Kulkarni and Mona Chawla are untraceable as per police record. Now, complainant Pramender Singh who has succeeded original complainant Amit Dahiya has deposed on affidavit that GICHFL does not wish to continue with proceedings of FIR.

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.

In view of the settlement of claim and as complainant has no objection in case FIR is quashed, FIR No.357 dated 14.11.2014 registered under Sections 419/420/467/468/471/120-B IPC, Police Station Sector 31, Chandigarh and all the subsequent proceedings arising therefrom, are quashed.

July 03, 2015
prince

(RAJ MOHAN SINGH)
JUDGE