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

**CRM-M No.8172 of 2015
Date of Decision: 04.05.2015**

Janakpreet Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Harkeerat Singh, 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 FIR No.108 dated 22.10.2013 registered under Sections 406/498-A IPC at Police Station Women Cell, Ludhiana, on the basis of compromise.

This Court, on 17.03.2015 passed the following order:-

*"Prayer made in this petition is for quashing of
FIR on the basis of compromise.*

Notice of motion for 04.05.2015.

*Learned counsel for the petitioners states that
22.04.2015 is the date fixed before the trial Court.*

Let the parties appear before the trial Court on the date fixed and get their statements recorded. The trial Court is directed to form his opinion 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.”

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Ludhiana 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 Ist Class, Ludhiana, vide his report dated 28.04.2015, 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.

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.108 dated 22.10.2013 registered under Sections 406/498-A IPC at Police Station Women Cell, Ludhiana and all the subsequent proceedings arising therefrom, are quashed.

May 04, 2015
Atik

(RAJ MOHAN SINGH)
JUDGE