

124-A

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

**CRM-M No.8657 of 2015
Date of Decision: 21.05.2015**

JEET SINGH @ JIT SINGH & ORS

.....Petitioners

Vs

STATE OF PUNJAB & ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vivek Goel, Advocate
for the petitioners.

Mr. Amit Ghai, Advocate for
Mr. Nitin Rampal, Advocate
for respondents No.2 and 3.

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.301 dated 26.10.2014, registered under Sections 324/323/148/149 IPC (Section 326 IPC added later on) at P.S. Dharamkot, Distt. Moga on the basis of compromise.

A co-ordinate Bench of this Court vide order dated 18.03.2015 directed the parties to appear before the Illaqa Magistrate for recording their statements on the factum of compromise. Illaqa Magistrate was also directed to record the statements of the parties to its satisfaction and report regarding

genuineness of the compromise in question.

In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Moga 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, Moga, vide his report dated 07.04.2015, 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.

Notice of motion.

On asking of the Court, Mr. Arshdeep S. Kler, D.A.G., Punjab accepts notice on behalf of respondent-State.

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.301 dated 26.10.2014, registered under Sections 324/323/148/149 IPC (Section 326 IPC added later on) at P.S. Dharamkot, Distt. Moga and all the subsequent proceedings arising therefrom, are quashed.

May 21, 2015
Atik

(RAJ MOHAN SINGH)
JUDGE