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

**Date of Decision: 28.07.2015
CRM-M No.9549 of 2015**

DHIAN SINGH AND ORS

.....Petitioners

Vs

STATE OF PUNJAB AND OTHERS

.....Respondents

CRM-M No.9502 of 2015

BALDEV SINGH AND ORS

.....Petitioners

Vs

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present: Mr. Siddharth Sharma, Advocate

for Mr. Bhavnik Mehta, Advocate

for the petitioners in CRM-M No.9549 of 2015 and
respondents in CRM-M No. 9502 of 2015.

Mr. Arshdeep S. Kler, DAG, Punjab.

Mr. Ishan Pasricha , Advocate for petitioners in CRM-M No. 9502 of
2015 and respondents in CRM-M No.9549 of 2015.

RAJ MOHAN SINGH, J. (Oral)

- 1) By this order CRM-M-9549-2015, Dhian Singh and Others
Vs. State of Punjab and ors. And CRM-M-9502-2015, Baldev
Singh and Ors. Vs. State of Punjab and Ors. are being disposed of
on the basis of compromise.
- 2) Facts are being taken from CRM-M-9549-2015. Prayer is
for quashing of FIR No.57 dated 13.11.2014 registered under
Sections 323, 324, 148, 149 IPC (Section 326 IPC added later on)

at Police Station, Dhilwan, District Kapurthala, on the basis of compromise dated 20.02.2015.

- 3) On 13.05.2015, parties were directed to appear before Judicial Magistrate Ist Class, Kapurthala on 21.05.2015 for recording their statements. In pursuance to said order, both the parties have appeared before Magistrate and got their statements recorded to the effect that both the parties have compromised the issue amicably with the intervention of respectables and the compromise is genuine and voluntary in nature. Judicial Magistrate Ist Class vide report dated 26.06.2015 has endorsed the factum of compromise to the effect that the same is voluntary and is without any threat or coercion.
- 4) In CRM-M-9502-2015, prayer is for quashing of DDR No.32 (cross case) dated 14.11.2014, under Sections 323, 324, 148, 149 IPC (Section 326 IPC was added later on), Police Station Dhilwan, District Kapurthala. In the said case also, parties were directed to appear before Magistrate. The deposition of the parties would suffice to serve factum of compromise in both the cases.
- 5) The disposal of present cases on the basis of compromise duly satisfies the parameters given in **Gian Singh v. State of Punjab and another, 2012(4) RCR (Criminal) 543.**
- 6) 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.

- 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 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, objects 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.57 dated 13.11.2014 registered under Sections 323, 324, 148, 149 IPC (Section 326 IPC added later on) at Police Station, Dhilwan, District Kapurthala and DDR No.32 (cross case) dated 14.11.2014, under Sections 323, 324, 148, 149 IPC (Section 326 IPC was added later on), Police Station Dhilwan, District Kapurthala and all the subsequent proceedings arising therefrom, are quashed.

July 28, 2015
SwarnjitS

**(RAJ MOHAN SINGH)
JUDGE**