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

**CRM-M No.9650 of 2015
Date of Decision: 27.05.2015**

Vipin Kumar and ors.

.....Petitioners

Vs

State of Haryana and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.S. Mamli, Advocate
for the petitioners.

Mr. Rajesh K. Sheoran, Addl, AG, Haryana.

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.19 dated 02.03.2015 registered under Section 406 IPC read with Section 10/24 of Immigration Act, Police Station Jhansa, District Kurukshetra on the basis of compromise.

This Court, on 23.04.2015 passed the following order:-

“Reply by way of affidavit of Shri Anil Kumar, HPS, Deputy Superintendent of Police, Shahabad, Kurukshetra filed on behalf of respondent No.1-State, is taken on record, a copy whereof has been supplied to learned counsel for the petitioner.

Respondents have been served in pursuance to notice of motion and Mr. M.S. Kundu, Advocate put in

appearance on behalf of private respondents..

Both the parties are directed to appear before the Judicial Magistrate 1st Class, Kurukshetra, on 04.05.2015.

Magistrate shall record the statements of both the parties in order to ascertain legality and genuineness of the compromise in question. After recording statements, Magistrate shall 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.

Adjourned to 27.05.2015.”

In pursuance to aforesaid order, both the parties have appeared before Magistrate and got their statements recorded with regard to genuineness of the compromise. Both the parties have endorsed the factum of compromise. The complainant namely Dilbag Singh and Bagicha Singh do not wish to proceed with the FIR any more. Magistrate has also recorded his satisfaction with regard to genuineness and voluntary nature of compromise vide its report dated 05.05.2015.

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.19 dated 02.03.2015 registered under Section 406 IPC read with Section 10/24 of Immigration Act, Police Station Jhansa, District Kurukshetra and all the subsequent proceedings arising therefrom, are quashed.

May 27, 2015
prince

(RAJ MOHAN SINGH)
JUDGE