

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

**CRM-M No.15239 of 2016
Date of Decision: 27.1.2017**

Kamlesh Verma and another

.....Petitioners

Vs

State of Punjab and another

.....Respondents

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

Present: Mr. Paras Talwar, Advocate
for the petitioners.

Ms. Rimplejeet Kaur, AAG, Punjab.

Mr. G.S. Bawa, Advocate for
Mr. Sandeep Gehlawat, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (oral)

Prayer in this petition is for quashing of FIR No.0247 dated 18.12.2015 registered under Sections 406, 420, 120-B IPC at Police Station City Kharar as well as all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P2).

Vide order dated 05.05.2016, parties were directed to appear before Illaqa Magistrate/Trial Court for recording their respective statements in the context of genuineness of the compromise in question. Illaqa Magistrate/Trial Court was required to submit a report with regard to number of persons arrayed as accused

in the FIR and in the context of genuineness of the compromise with reference to the accused whether they are proclaimed offender or not?

In pursuance of said order, Sub Divisional Judicial Magistrate, Kharar has submitted her report after recording statements of both the parties. Complainant in his statement has deposed that the compromise has been effected in a *bona fide* manner without there being any inducement or undue pressure from any side and the complainant has no objection in case the FIR is ordered to be quashed.

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.

Learned State counsel, 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 in fitness of things to quash the proceedings on the basis of compromise.

The compromise in question is fully in consonance with the guidelines framed in Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052 and Gian Singh vs. State of Punjab and another 2012 (4) RCR (Crl.) 543.

Resultantly, FIR No.0247 dated 18.12.2015 registered under Sections 406, 420, 120-B IPC at Police Station City Kharar as well as all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P2) are quashed.

(RAJ MOHAN SINGH)
JUDGE

January 27, 2017
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Whether Reasoned/Speaking	Yes/No
Whether Reportable	Yes/No