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

CRM-M No.17525 of 2016

Date of Decision: 06.03.2017

BALWINDER SINGH AND ORS

.....Petitioners

Vs

STATE OF PUNJAB AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Narinder S. Lucky, Advocate
for the petitioners.

Ms. Rimplejeet Kaur, A.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.52 dated 29.02.2016 registered under Sections 365/323/148/149 IPC and under Sections 25/27/54/59 of the Arms Act at Police Station Sadar, District Ferozepur (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Vide order dated 19.05.2016, parties were directed to appear before the *Ilqa* Magistrate/trial Court and the *Ilqa* Magistrate/trial Court was directed to record their statements and submit its report *qua* the genuineness of the compromise

effected between the parties and also to report whether any accused was a proclaimed offender.

Vide order dated 22.10.2016, the Court observed that the report of the Magistrate was not accompanied by the statements of the parties.

Now statements of the parties have been received. Perusal of the same reveals that in pursuance of order dated 19.05.2016 passed by this Court, both the parties have appeared and have also got their statements recorded in the context of genuineness of the compromise in question. Addl. Chief Judicial Magistrate, Ferozepur has also recorded its satisfaction that the compromise entered into between the parties is genuine, voluntary and without any undue influence and coercion. All the statements of the accused and that of the complainant-party have been recorded before the Magistrate.

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, objected 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.52 dated 29.02.2016 registered

under Sections 365/323/148/149 IPC and under Sections 25/27/54/59 of the Arms Act at Police Station Sadar, District Ferozepur (Annexure P-1) and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

March 06, 2017

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No