

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

Date of Decision: 08.03.2017

1. CRM-M No.1667 of 2017

Pardeep KumarPetitioner
Vs

State of Punjab and othersRespondents

2. CRM-M No.3629 of 2017

Sandeep Chabra and anotherPetitioners
Vs

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sandep S. Majithia, Advocate
for the petitioner in CRM-M No.1667 of 2017 and
for the complainant in CRM-M No.3629 of 2017.

Mr. Bikram Singh, Advocate
for the petitioners in CRM-M-3629 of 2017 and
for the complainant in CRM-M No.1667 of 2017.

Mr. Rimplejeet Kaur, AAG, Punjab.

RAJ MOHAN SINGH, J. (oral)

Vide this common order, CRM-M No.1667 of 2017 titled
Pardeep Kumar Vs. State of Punjab and others and CRM-M
No.3629 of 2017 titled Sandeep Chabra and another Vs. State of
Punjab and others are being disposed of.

Prayer in these petitions is for quashing of FIR No.90

dated 02.09.2016 registered under Sections 451, 427, 323, 324, 148, 149 IPC at Police Station Maqboolpura, District Amritsar and its cross version recorded vide DDR No.43 dated 02.09.2016 as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Both the parties were directed to appear before the trial Court/Illaq Magistrate. Parties have already appeared before Judicial Magistrate First Class, Amritsar on 30.01.2017 in the context of making depositions qua genuineness of compromise in question. The compromise has been found to be voluntarily and without any coercion or pressure by the Judicial Magistrate First Class, Amritsar vide her report dated 14.02.2017.

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.90 dated 02.09.2016 registered under Sections 451, 427, 323, 324, 148, 149 IPC at Police Station Maqboolpura, District Amritsar and its cross version recorded vide DDR No.43 dated 02.09.2016 as well as all the subsequent proceedings arising therefrom, are quashed.

(RAJ MOHAN SINGH)
JUDGE

March 08, 2017
Prince

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No