

CRM-M No. 2608 of 2017
CRM-M No. 2609 of 2017

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

CRM-M No. 2608 of 2017
Date of Decision: 07.03.2017

Harish Kumar @ Harish Pal @ Rishi and another
VsPetitioners

State of Punjab and another
.....Respondents

CRM-M No. 2609 of 2017

Raja and another
VsPetitioners

State of Punjab and another
.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. B.S. Jaswal, Advocate
for the petitioners (in CRM-M No. 2608 of 2017).

Ms. Kaavya Jariyal, Advocate
for the petitioners (in CRM-M No. 2609 of 2017).

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

RAJ MOHAN SINGH, J. (oral)

Vide this common judgment, CRM-M No. 2608 of 2017
titled **Harish Kumar @ Harish Pal @ Rishi and another vs State
of Punjab and another** and CRM-M No. 2609 of 2017 titled **Raja
and another vs State of Punjab and another** are being disposed
of.

Facts are being taken from CRM-M No. 2608 of 2017

titled as Harish Kumar @ Harish Pal @ Rishi and another vs State of Punjab and another.

Prayer in these petitions is for quashing of FIR No. 27 dated 14.06.2011 registered under Sections 323, 324, 325, 34 IPC at Police Station Islamabad, District Amritsar (Annexure P-1) (offence under Section 326 IPC added later on) and its cross version under Sections 323, 324, 325, 34 IPC dated 15.06.2011 (Annexure P-2) registered in case FIR No. 27 dated 14.06.2011 registered under Sections 323, 324, 325, 34 IPC at Police Station Islamabad, District Amritsar as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Vide order dated 27.01.2017, parties were directed to appear before the trial Court/Illaq Magistrate and the trial Court/Illaq Magistrate was directed to record their statements and submit its report qua the genuineness of the compromise effected between the parties.

In pursuance of said order, Judicial Magistrate Ist Class, Amritsar, after recording statements of the parties, has reported that the compromise effected between the parties is genuine, voluntary and without any undue influence and coercion.

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. 27 dated 14.06.2011 registered under Sections 323, 324, 325, 34 IPC at Police Station Islamabad, District Amritsar (Annexure P-1) (offence under Section 326 IPC added later on) and its cross version under Sections 323, 324, 325, 34 IPC dated 15.06.2011 (Annexure P-2) registered in case FIR No. 27 dated 14.06.2011 registered under Sections 323, 324, 325, 34 IPC at Police Station Islamabad, District Amritsar and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

07.03.2017
jyoti Y.

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No