

258

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

CRM-M No.2612 of 2017

Date of Decision: 07.03.2017

Balwinder Singh etc.

.....Petitioners

Vs

State of Punjab etc.

.....Respondents

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

Present: Mr. M.S. Sidhu, Advocate and
Ms. Gaganjot Kaur, Advocate
for the petitioners.

Mr. Shilesh Gupta, Addl, AG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.46 dated 12.11.2008 registered under Sections 341, 323, 427, 294, 452, 506, 148, 149 IPC at Police Station Humbran, District Ludhiana 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 Illaqa Magistrate/trial Court and the Illaqa Magistrate/trial Court 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 First Class, Jagraon after recording statements of the parties, has reported that though seven accused were named in the FIR and the petitioners have made their statements in the context of compromise, but according to the statement of Joginder Singh, Gurdev Singh, Gurmeet Singh, Resham Singh and Binder Singh were also accused who were not been named in CRM-M No.2612 of 2017.

Learned State counsel on instructions from Head Constable, Rajinder Singh submits that the police proceeded only against 7 petitioners as accused and even submitted an untraced report before the competent Court. No other accused is involved in the FIR except the petitioners shown in the petition.

All the accused as well as the complainant have appeared before the Judicial Magistrate First Class, Jagraon on 03.02.2017 and have deposed in the context of genuineness of compromise in question. Judicial Magistrate First Class, Jagraon has also reported that the compromise effected between the parties is genuine, voluntary and without any undue influence and pressure.

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.46 dated 12.11.2008 registered under Sections 341, 323, 427, 294, 452, 506, 148, 149 IPC at Police Station Humbran, District Ludhiana as well as all the subsequent proceedings arising therefrom are quashed.

Petition stands disposed of.

March 07, 2017

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No