

255

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

CRM-M No.28099 of 2016

Date of Decision: 28.02.2017

Jagseer Singh

.....Petitioner

Vs

State of Punjab and others

.....Respondents

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

Present:Mr. Digvijay Nagpal, Advocate
for the petitioner.

Mr. K.S. Aulakh, AAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

Learned counsel for the petitioner submitted that in respect of same motorcycle, FIR No. 19 dated 03.03.2015 lodged by its true owner namely Sukhchain Singh has already been quashed on the basis of compromise in CRM-M No.27303 of 2016 on 12.12.2016.

Prayer in this petition is for quashing of FIR No. 18 dated 08.02.2015 registered under Section 379 IPC at Police Station Civil Lines, Patiala and all other subsequent proceedings arising therefrom, on the basis of compromise in respect of same vehicle.

FIR in question was registered at the instance of Lovepreet Singh who happens to be the nephew of original owner Sukhchain Singh. Now, Lovepreet Singh is living abroad and has not turned up to record his statement before the trial Court.

Vide orders dated 16.08.2016 and 09.11.2016, 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 Ist Class, Patiala 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. 18 dated 08.02.2015 registered

under Section 379 IPC at Police Station Civil Lines, Patiala and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

February 28, 2017

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No