

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

CRM-M No. 30452 of 2016

Date of Decision: 03.02.2017

Baljit Singh

-Petitioner

VS

State of Punjab and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.M.K. Singla, Advocate
for the petitioner.

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

RAJ MOHAN SINGH, J. (ORAL)

Petitioner seeks quashing of FIR No. 98 dated 25.06.2014 under Sections 279, 337, 427 IPC, registered at Police Station Sirhind, on the basis of compromise.

Vide order dated 31.08.2016, both the parties were directed to appear before the trial Court for recording their statements with regard to genuineness of compromise.

Pursuant to the said order, both the parties appear before the trial Court on 12.09.2016 and got recorded their respective statements to the effect that they have amicably resolved their differences.

The trial Court has also submitted a report to this effect showing that the compromise in question is genuine. The parties to the litigation have entered into genuine and voluntary act of the compromise in the matter without there being any pressure, threat or coercion from any corner.

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. 98 dated 25.06.2014 under Sections 279, 337, 427 IPC, registered at Police Station Sirhind, and all other consequential proceedings arising therefrom, are quashed.

03.02.2017
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No