

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

**CRM-M No.30750 of 2016
Date of Decision: 19.01.2017**

Manoj Kumar

.....Petitioner

Versus

State of Haryana and another

... Respondents

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

Present:Mr. Sandeep Thakan, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Karan Singh, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J.(ORAL)

Prayer in this petition is for quashing of FIR No.161 dated 09.6.2016 registered under Sections 323, 506 IPC at Police Station DLF, Phase-1, Gurgaon as well as all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 01.09.2016, parties were directed to appear before the trial Court and the 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 the said order, both the parties appeared before the Judicial Magistrate Ist Class, Gurgaon and got their statements recorded to the effect that they have entered into a compromise with their free will without there being any undue influence. After recording the statements of the parties, Judicial

Magistrate 1st Class, Gurgaon has also sent his report to this Court, endorsing the genuineness and voluntary nature of the compromise in question.

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.161 dated 09.6.2016 registered under Sections 323, 506 IPC at Police Station DLF, Phase-1, Gurgaon and all the subsequent proceedings arising therefrom, are quashed.

19.01.2017
prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No