

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

CRM-M No. 36626 of 2016

Date of Decision: 31.01.2017

SHASHI PRABHA TRIPATHI

-PETITIONER

VS

STATE OF HARYANA AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Arvind Kumar Chauhan, Advocate
for the petitioner.

Ms.Gaganpreet Kaur, A.A.G, Haryana.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner seeks quashing of FIR No. 117 dated 09.02.2014 under Sections 419, 420, 467, 468, 471, 406 IPC, registered at Police Station City Jind, on the basis of compromise.

Vide order dated 19.10.2016, both the parties were directed to appear before the Illaqa Magistrate/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 21.11.2016 and got recorded their respective statements to the effect that they have amicably resolved their differences. The complainant Ram Niwas has

testified that he has received an amount of Rs.31,000/- on 01.01.2016 vide cheque No.201264 and has also received migration certificate. Thereafter, nothing remained between the parties and he has no objection in case FIR in question is quashed.

Accused-petitioner Shashi Prabha Tripathi also got recorded her statement endorsing the factum of compromise. The trial Court after recording the statements of the parties has given a report that the compromise in question is genuine, voluntarily recorded and was free from coercion or undue influence.

The report to the aforesaid effect has been received from the Court of Chief Judicial Magistrate, Jind vide memo No.6963 dated 25.11.2016. 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. 117 dated 09.02.2014 under Sections 419, 420, 467, 468, 471, 406 IPC, registered at Police Station City Jind and all other consequential proceedings arising therefrom, are quashed.

31.01.2017

*jjyoti Y.***(RAJ MOHAN SINGH)**
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No