

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

CRM-M No.36202 of 2015

Date of Decision: 12.01.2017

Balwinder Singh and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Parvinder Singh, Advocate
for the petitioners.

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

Mr. Arjun Kundra, Advocate
for respondents No.2 and 3.

RAJ MOHAN SINGH, J. (Oral)

[1] Prayer in this petition is for quashing of FIR No.34 dated 19.02.2014 registered under Sections 153A, 153, 342, 323, 283, 511 & 120-B IPC at Police Station Sohana, District SAS Nagar and all other consequential proceedings, on the basis of compromise.

[2]. This Court, on 26.10.2016 passed the following order:-

“This is a petition for quashing the FIR on the basis of compromise.

The parties are directed to appear before the Illaqa Magistrate/Trial Court on 16.11.2016 and the Illaqa Magistrate/Trial Court shall record the statement of all the affected parties and shall send a report to this Court whether the compromise has been arrived at between the parties or not and whether it is voluntary.

Report of the Illaqa Magistrate/Trial Court is awaited for 12.01.2017.”

[3]. In pursuance to the aforesaid order, both the parties appeared before the Additional Chief Judicial Magistrate, Mohali on 16.11.2016 and Additional Chief Judicial Magistrate, Mohali has recorded the statements of complainant-party as well as the accused and endorsed that the compromise in question is

genuine, voluntary and is the outcome of volition and free will of the parties.

[4]. The disposal of present case on the basis of compromise duly satisfies the parameters given in **Gian Singh v. State of Punjab and another, 2012(4) RCR (Criminal) 543.**

[5]. This Court is of the opinion that offence is private in nature and not against the whole society. In **Gian Singh's case (supra)**, the Hon'ble Supreme Court has discussed in detail the inherent powers of the High Court in quashing criminal proceedings or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape, dacoity etc., as such offences are not private in nature and have serious impact on the society.

[6]. 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.

[7]. The State on notice, however, object 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 just expedient and in fitness of things to quash the proceedings on the basis of compromise.

[8]. Resultantly, FIR No.34 dated 19.02.2014 registered under Sections 153A, 153, 342, 323, 283, 511 & 120-B IPC at Police Station Sohana, District SAS Nagar and all other consequential proceedings arising therefrom, are quashed.

January 12, 2017

Jyoti Y.

(RAJ MOHAN SINGH)

JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No