

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

CRM-M No.37156 of 2016

Date of Decision: 17.02.2017

Naresh Kumar

.....Petitioner

Vs

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Atul Gaur, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana
for respondent No.1.

Ms. Pavleen, Advocate for
Mr. S.S. Behl, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J.(Oral)

Prayer in this petition is for quashing of FIR No.66 dated 07.06.2013 under Sections 323, 406, 498-A, 506, 120-B IPC registered at Police Station Kalka, District Panchkula, Haryana.

Vide order dated 03.12.2016, both the parties were directed to appear before the trial Court/Illaq Magistrate on 19.12.2016 to get their statements recorded in respect of genuineness of the compromise in question.

Respondent No.2 is the wife of the petitioner. Both have

amicably resolved their controversy and have deposed before the Judicial Magistrate Ist Class, Kalka that they have started living together happily and the respondent No.2 does not wish to carry on with the FIR against her husband i.e. the petitioner.

The Magistrate has sent a memo No.35 dated 25.01.2017 along with the statements of the parties recorded on 20.12.2016.

Sub Inspector Paramjit Singh, Investigating Officer of this case is also present today in Court who has also admitted the factum of recording statements of the parties by the Judicial Magistrate Ist Class, Kalka.

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.66 dated 07.06.2013 under Sections 323, 406, 498-A, 506, 120-B IPC registered at Police Station Kalka, District Panchkula, Haryana and all other consequential proceedings arising therefrom, are quashed.

February 17, 2017

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No