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

CRM-M No.39228 of 2016

Date of Decision: 08.03.2017

Bhavuk and others

.....Petitioners

Vs

UT of Chandigarh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. J.S. Jaidka, Advocate
for the petitioners.

Mr. A.S. Sullar, A.P.P. Chandigarh.

Mr. N.K. Kaalia Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No. 0349 dated 24.09.2016 registered under Sections 147, 149, 323, 341, 356, 379 IPC at Police Station South Sector 34, Chandigarh as well as all the subsequent proceedings arising therefrom on the basis of compromise.

On 07.11.2016, following order was passed:-

"The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.0349 dated 24.09.2016 registered under Sections 147, 149, 323, 341, 356, 379 IPC, at Police Station Sector 34,

Chandigarh and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion.

To come up on 16.01.2017. Meanwhile, the parties are directed to be present before the CJM/Illaq Magistrate on 14.12.2016 or on any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case and proclamation proceedings is pending against either of the parties before the next date of hearing.”

Parties have already appeared before the Judicial Magistrate First Class, Chandigarh on 05.12.2016 and have made their statements in the context of compromise, stating that the compromise is genuine, voluntary and free from any undue influence. Judicial Magistrate First Class, Chandigarh has also endorsed the genuineness of the compromise vide report dated 06.12.2016.

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. 0349 dated 24.09.2016 registered under Sections 147, 149, 323, 341, 356, 379 IPC at Police Station South Sector 34, Chandigarh as well as all the subsequent proceedings arising therefrom are hereby quashed.

Petition stands disposed of.

March 08, 2017

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No