

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

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**CRM-M No.40868 of 2016
Date of Decision: 28.2.2017**

BALWINDER SINGH & ORS

.....Petitioners

Vs

STATE OF PUNJAB AND ANR

.....Respondents

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

Present: Ms.Mandeep Kaur, Advocate
for the petitioners.

Mr.A.S.Aulakh, AAG, Punjab.

Mr.B.B.S.Randhawa, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (oral)

Prayer in this petition is for quashing of criminal complaint No.118 dated 6.9.2013 titled as Varinder Singh vs. Balwinder Singh and others (Annexure P-2) and summoning order dated 24.2.2016 (Annexure P-3) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Vide order dated 16.11.2016, parties were directed to appear before the Illaqa Magistrate/ trial Court and the Illaqa Magistrate/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 said order, Judicial Magistrate Ist Class, Batala, after recording statements of the parties, has reported that the compromise effected between the parties is genuine and without any pressure or coercion.

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, criminal complaint No.118 dated 6.9.2013 titled as Varinder Singh vs. Balwinder Singh and others (Annexure P-2) and summoning order dated 24.2.2016 (Annexure P-3) and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

February 28, 2017
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Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No