

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

CRM-M No. 42362 of 2016

Date of Decision: 02.03.2017

Rajbir and others

.....Petitioners

Vs

State of Haryana and others

.....Respondents

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

Present: Mr. Nonish Kumar, Advocate
for the petitioners.

Mr. Ripudaman, A.A.G, Haryana.

Mr. Vimal Kumar Gupta, Advocate
for respondents No.2 and 3.

RAJ MOHAN SINGH, J. (oral)

Prayer in this petition is for quashing of FIR No. 199
dated 12.09.2016 registered under Sections 148, 149, 323, 324,
452, 506 IPC at Police Station Yamuna Nagar Sadar, District
Yamuna Nagar (Annexure P-1) as well as all the subsequent
proceedings arising therefrom on the basis of compromise.

Reply filed by learned State counsel is taken on record.

Vide order dated 28.11.2016, parties were directed to appear before the trial Court/Ilalaqa Magistrate and the trial Court/Ilalaqa Magistrate 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, Yamuna Nagar at Jagadhri, after recording statements of the parties, has reported that the compromise effected between the parties is genuine, voluntary and without any undue influence and 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, FIR No. 199 dated 12.09.2016 registered under Sections 148, 149, 323, 324, 452, 506 IPC at Police Station Yamuna Nagar Sadar, District Yamuna Nagar (Annexure P-1) and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

02.03.2017

jjyoti Y.

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No