

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

CRM-M No. 43003 of 2016

Date of Decision: 15.02.2017

Karnail Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

CRM-M No. 43224 of 2016

Gurveer Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

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

Present: Mr. Amrainder Singh, Advocate,
for the petitioners (in CRM-M No. 43003 of 2016).

Mr. Sandeep Verma, Advocate,
for the petitioners (in CRM-M No. 43224 of 2016).

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

RAJ MOHAN SINGH, J. (Oral)

Vide this order, criminal miscellaneous No. 43003 of
2016 and criminal miscellaneous No. 43224 of 2016, are being

disposed of. Facts are being taken from criminal miscellaneous No. 43224 of 2016.

The petitioners have prayed for quashing of FIR No. 198 dated 12.09.2014, registered under Sections 323, 324, 506, 148 and 149 I.P.C. at Police Station Lalru, District SAS Nagar (Annexure P-1), as well as all the subsequent proceedings arising therefrom on the basis of compromise and the cross-version, arising out of DDR No. 19 dated 12.09.2014, registered under Sections 323, 506, 148 and 149 I.P.C. at Police Station Lalru, District SAS Nagar (Annexure P-1), as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Vide order dated 05.12.2016, both the parties were directed to appear before Illaqa Magistrate and the 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, both the parties have already appeared before the Judicial Magistrate 1st Class, Dera Bassi, who has also recorded their respective statements in respect of genuineness of the compromise in question, and 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. 198 dated 12.09.2014, registered under Sections 323, 324, 506, 148 and 149 I.P.C. at Police Station Lalru, District SAS Nagar (Annexure P-1), as well as all the subsequent proceedings arising therefrom on the basis of compromise and the cross-version, arising out of DDR No. 19 dated 12.09.2014, registered under Sections 323, 506, 148 and 149 I.P.C. at Police Station Lalru, District SAS Nagar (Annexure P-1) and all the subsequent proceedings arising therefrom, are quashed.

Petitions stand disposed of.

(RAJ MOHAN SINGH)
JUDGE

February 15, 2017
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Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No