

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

CRM-M No. 43030 of 2016 (O&M)

Date of Decision: 15.02.2017

Bachittar Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

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

Present: Mr. Karan Garg, Advocate, for
Mr. Vishal Garg Narwana, Advocate,
for the petitioners.

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

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No. 173
dated 16.09.2016 registered under Sections 452, 448, 506, 511,
427 and 34 I.P.C. at Police Station Sadar Jalandhar
(Annexure P-1) as well as all the subsequent proceedings arising
therefrom on the basis of compromise.

Vide order dated 02.12.2016, 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, Additional Chief Judicial Magistrate, Jalandhar, 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.)**

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Though the statement of respondent No. 2 was recorded by the Additional Chief Judicial Magistrate, Jalandhar on 11.01.2017, with regard to voluntary nature of compromise, but she has not ventured to appear in this Court. In view of the said report, respondent No. 2 can be considered to be a consenting party for quashing the FIR on the basis of compromise.

Resultantly, FIR No. 173 dated 16.09.2016 registered under Sections 452, 448, 506, 511, 427 and 34 I.P.C. at Police Station Sadar Jalandhar (Annexure P-1) and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

February 15, 2017

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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No