

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

Date of Decision: 08.03.2017

1. CRM-M No.44506 of 2016

Mahinder Singh and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

2. CRM-M No.45021 of 2016

Gurbhej Singh and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

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

Present: Mr. V.P.S. Mithewal, Advocate
for the petitioners in CRM-M No.44506 of 2016 and
for respondents No.2 to 4 in CRM-M No.45021 of 2016.

Mr. Pardeep Bajaj, Advocate
for the petitioners in CRM-M No.45021 of 2016 and
for respondents No.2 to 7 in CRM-M No.44506 of 2016.

Mr. Rimplejeet Kaur, AAG, Punjab.

RAJ MOHAN SINGH, J. (oral)

Vide this common order, CRM-M No.44506 of 2016 titled Mahinder Singh and others Vs. State of Punjab and others and CRM-M No.45201 of 2016 titled Gurbhej Singh and others Vs. State of Punjab and others are being disposed of.

Prayer in these petitions is for quashing of FIR No. 60 dated 26.05.2011 registered under Sections 323, 325, 506, 148, 149 IPC at Police Station Machhiwara, Police District Khanna, District Ludhiana and its cross version recorded vide DDR No.27 dated 26.05.2011 registered under Sections 323, 341, 347, 148, 149 IPC at Police Station Machhiwara, Police District Khanna, District Ludhiana as well as all the subsequent proceedings arising therefrom on the basis of compromise.

In pursuance of order passed in both the aforesaid petitions, both the parties have already appeared before the Judicial Magistrate First Class, Samrala on 24.01.2017 in the context of making depositions qua genuineness of compromise in question. The compromise has been found to be bona fide, genuine and free from any coercion or undue influence by the Judicial Magistrate First Class vide her report dated 03.02.2017.

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. 60 dated 26.05.2011 registered under Sections 323, 325, 506, 148, 149 IPC at Police Station Machhiwara, Police District Khanna, District Ludhiana and its cross version recorded vide DDR No.27 dated 26.05.2011 registered under Sections 323, 341, 347, 148, 149 IPC at Police Station Machhiwara, Police District Khanna, District Ludhiana as well as all the

subsequent proceedings arising therefrom, are quashed.

(RAJ MOHAN SINGH)
JUDGE

March 08, 2017
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Whether Reasoned/Speaking	Yes/No
Whether Reportable	Yes/No