

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

CRM-M No. 4513 of 2016
Date of Decision: 20.03.2017

Palwinder Singh and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. B.S. Jaswal, Advocate
for the petitioners.

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

Ms. Kaavya Jariyal, Advocate for
Ms. Sushma Sharma, Advocate
for respondents No.2 to 5.

RAJ MOHAN SINGH, J. (oral)

Prayer in this petition is for quashing of FIR No. 01 dated 06.01.2016 registered under Sections 452, 323, 506, 427, 148, 149 IPC and Section 3 of SC/ST Act, at Police Station Tarsikka, District Amritsar (Rural) (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise dated 21.01.2016.

Notice of motion was issued on 08.02.2016.

Learned State counsel has filed status report as to the investigation of the case. Paras No.4 and 5 of the status report filed by way of affidavit of Rajwinder Pal Singh, PPS,

Deputy Superintendent of Police, Jandiala Guru, Amritsar Rural
are reproduced herein as under:-

“4. That it is most respectfully submitted that thereafter on 15.2.2016, the complainant (respondent No.2) appeared before the investigating officer i.e. the then Deputy Superintendent of Police, Jandiala Guru and apprised him orally that the prominent persons had got effected compromise with the accused (petitioners) with regard to incident of the instant case and they had filed the present petition for quashing of the instant case in this Hon'ble Court. Therefore, he did not intend to get any action taken against anybody as regards the instant case.

5. That keeping in view the submissions made hereinabove, it is most respectfully submitted that the complainant (respondent No.2) has effected a compromise with the accused (petitioners) with regard to incident of the instant case and he does not intend to pursue the instant case more nor does he intend to get any further action taken against anybody with regard to the

instant case and the present petition has been filed by the petitioners seeking quashing of the instant FIR in consonance of the complainant (respondent No.2). Therefore, the final order of this Hon'ble Court being passed in the present petition is being awaited to proceed further into investigation of the instant case accordingly. No arrest of any accused could so far be made and the instant case is under investigation. However, it is significant to further submit here that the offence u/s 3 of SC & ST (Prevention of Atrocities) Act and Section 452 IPC are non-compoundable and no compromise can be effected with regard to these offences. Thus, the present petition is not maintainable and the petitioners cannot seek the relief of quashing of the instant FIR on the basis of the alleged compromise. However, the answering deponent undertakes that the order or direction passed by this Hon'ble Court in the present petition would be complied with letter and spirit."

Learned counsel appearing on behalf of respondents

No.2 to 5 also admitted the factum of compromise and has no

objection in case the FIR along with entire subsequent proceedings if any undertaken in pursuance thereof are quashed.

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. 01 dated 06.01.2016 registered under Sections 452, 323, 506, 427, 148, 149 IPC and Section 3 of SC/ST Act, at Police Station Tarsikka, District Amritsar (Rural) (Annexure P-1) and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

20.03.2017
jyoti Y.

Whether Reasoned/Speaking : Yes/No

Whether Reportable : Yes/No