

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

CRM-M No. 45522 of 2016

Date of Decision: 14.03.2017

Sukhdev Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Param Preet Singh Brar, 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. 59 dated 18.06.2012 registered under Sections 323/148/149 IPC (offence under Section 307, 324 IPC and 25, 27, 54, 59 of Arms Act deleted) at Police Station Nihal Singh Wala, District Moga (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Initially, FIR was registered for the offences under Section 307, 324, 323, 148, 149 IPC and Section 25-27-54-59 of Arms Act. Offence under Sections 307, 324 IPC and under the

Arms Act were deleted vide report dated 25.06.2013.

For the surviving offences, parties have entered into an amicable resolution of dispute on 14.07.2012.

Vide order dated 21.12.2016, both the parties i.e. petitioners and respondent No.2 were directed to appear before the trial Court on 19.01.2017 for recording their statements. In pursuance of aforesaid order, both the parties have appeared before the Sub Divisional Judicial Magistrate, Nihal Singh Wala on 20.01.2017 and got their statements recorded to the satisfaction of the Magistrate. After recording of their statements, Sub Divisional Judicial Magistrate, Nihal Singh Wala has also endorsed the factum of compromise that the same has been voluntarily recorded without there being any pressure, coercion or undue influence.

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. 59 dated 18.06.2012 registered under Sections 323/148/149 IPC (offence under Section 307, 324 IPC and 25, 27, 54, 59 of Arms Act deleted) at Police Station Nihal Singh Wala, District Moga (Annexure P-1) and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

14.03.2017
 jyoti Y.

Whether Reasoned/Speaking **Yes/No**

Whether Reportable **Yes/No**