

129

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

CRM-M No.9775 of 2017

Date of Decision: 22.03.2017

Rajo Devi @ Maya Devi and others

.....Petitioners

Vs

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rahul Sharma, Advocate
for the petitioners.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.208 dated 05.09.2015 registered under Sections 323/34/341/427/452/506 IPC at Police Station Julana, District Jind as well as all the subsequent proceedings arising therefrom on the basis of compromise.

The FIR was registered at the instance of respondent No.2. Accused/petitioners were proceeded against and after filing of the challan, charges were framed against them. During pendency of the trial, a compromise was effected between the parties on 18.02.2017 and the same was duly brought before the Judicial Magistrate First Class, Jind, where statements of

both the parties were also recorded by the trial Court. The trial Court heard the arguments and ultimately, passed an order dated 20.02.2017, dismissing the application for compounding the offences on the ground that offence under Section 452 IPC is non-compoundable in nature and is out of the purview of Section 320 Cr.P.C.

Notice of motion.

On the asking of the Court, Mr. P.P. Chahar, DAG, Haryana accepts notice on behalf of the State and Mr. Jaspal Singh Guru, Advocate appears on behalf of respondent No.2.

Learned counsel for the petitioners and learned counsel for respondent No.2 are *ad idem* that a lawful compromise was effected between the parties and the same was duly recorded before the trial Court, but the same could not be taken cognizance of, as one of the offence was non-compoundable in nature. Since the factum of compromise is an admitted fact between the contesting parties, learned State counsel has no serious objection in case genuineness of compromise is established on record.

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.208 dated 05.09.2015 registered under Sections 323/34/341/427/452/506 IPC at Police Station Julana, District Jind as well as all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

March 22, 2017

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No