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

Date of Decision: 04.05.2018

1. CRM-M No.10270 of 2018

Manjit Singh @ Dogra and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

2. CRM-M No.10175 of 2018

Surjit Singh Thind and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

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

Present: Mr. Nagar Singh, Advocate
for the petitioners in CRM-M No.10270 of 2018 and
for respondents No.2 to 9 in CRM-M No.10175 of 2018.

Mr. Vikasdeep Singh, Advocate
for the petitioners in CRM-M No.10175 of 2018 and
for respondents No.2 to 5 in CRM-M No.10270 of 2018.

Mr. R.S. Thind, DAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

Vide this common order, CRM-M No.10270 of 2018

titled Manjit Singh @ Dogra and others Vs. State of Punjab and others and CRM-M No.10175 of 2018 titled Surjit Singh Thind and others Vs. State of Punjab and others are being disposed of. Facts are being culled out from CRM-M No.10270 of 2018.

Both the cases have arisen from version as well as cross version. FIR No.28 dated 25.01.2018 was registered for the offences under Sections 452, 323, 506, 148, 149 IPC at Police Station Sultanpur Lodhi, District Kapurthala. Cross version was registered vide DDR No.32 dated 25.01.2018 under Sections 323, 379, 506, 148, 149 IPC at Police Station Sultanpur Lodhi, District Kapurthala.

Parties have compromised by entering into amicable settlement.

Vide order dated 12.03.2018 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, Sub Divisional Judicial Magistrate, Sultanpur Lodhi after recording statements of the parties, has reported in the following manner:-

“It is pertinent to mention here that parties have turned up in the Court on 20.04.2018 in pursuance of process issued by this Court.

In accordance with the order aforementioned,

petitioners/accused namely Manjit Singh @ Dogra son of Sadhu Singh, Malkit Sikngh @ Billa son of Dalip Singh, Surinder Kaur wd/o Kashmir Singh, Gulzar Singh son of Sadhu Singh, Sukhwinder Singh @ Sodhi son of Pushpinder Singh and Suresh Kumar son of Chaman Lal Sharma, as well as respondent/complainant namely Satpinder Singh son of Balbir Singh, Surjit Singh Thind son of Jaswant Singh, Tarun Tandon @ Rimpi Tandon son of Tilak Raj and Gurdeep Singh son of Niranjana Singh, appeared in the Court and got recorded their statements before the undersigned with regard to compromise of the matter in the above said criminal miscellaneous.

Both the parties have effected compromise which is genuine, voluntary, without any threat, pressure, coercion or undue influence. Thereafter, parties have also signed/thumb marked their respective statements. Gist of the statements is that deponents have no grudge or revenge with the each other and they want to live peacefully to avoid untoward incident in the future.

Certified copies of statements of parties, recorded in this Court, are being appended herewith. The report is accordingly submitted before the Hon'ble High Court for kind perusal, please."

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. 28 dated 25.01.2018 registered under Sections 452, 323, 506, 148, 149 IPC at Police Station Sultanpur Lodhi, District Kapurthala and DDR No.32 dated 25.01.2018 registered under Sections 323, 379, 506, 148, 149 IPC at Police Station Sultanpur Lodhi, District Kapurthala in FIR No. 28 dated 25.01.2018 registered under Sections 452, 323, 506, 148, 149 IPC at Police Station Sultanpur Lodhi, District Kapurthala along with subsequent proceedings arising therefrom, are quashed.

Both the petitions stand disposed of.

May 04, 2018

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No