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

CRM-M No.10278 of 2018

Date of Decision: 04.05.2018

Partap Singh and another

.....Petitioners

Vs

State of Punjab and another

.....Respondents

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

Present:Mr. Yashpal Marken, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Nirmaljit Singh Diwana, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.0028 dated 09.02.2018 registered under Sections 323, 341, 324, 34 IPC at Police Station Machiwara, Police District Khanna as well as all the subsequent proceedings arising therefrom on the basis of compromise.

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, Judicial Magistrate First Class, Samrala after recording statements of the parties, has reported in the following manner:-

“In compliance with the order dated 12.03.2018, statement of complainant namely Jagjeet Singh s/o Sant Singh (referred to as respondent No.2 in the memo of parties in the petitioner bearing CRM-M No.10278 of 2018 before the Hon'ble High Court) was recorded in the Court wherein he has stated that with the intervention of the respectables, he has voluntarily entered into compromise with accused namely Partap Singh son of Manjit Singh and Manjit Singh son of Bhan Singh out of his free will and without any pressure, undue influence, coercion, inducement, threat or promise from any side. He has no objection if the above said FIR may be quashed by Hon'ble Punjab and Haryana High Court against accused Partap Singh son of Manjit Singh and Manjit Singh son of Bhan Singh.

Similarly, separate statements of accused namely Partap Singh and Manjit Singh (referred to as petitioners in the memo of parties in the petition bearing CRM-M No.10278 of 2018 before the Hon'ble High Court) were also recorded wherein they have stated that with the intervention of the respectables, they have voluntarily entered into compromise with the complainant namely Jagjeet Singh out of their free will and without any pressure, undue influence, coercion,

inducement, threat or promise from any side. In view of compromise effected between them, present FIR may be quashed.

Identity of both the parties present in the Court have been affirmed and checked through their identity proofs. In this connection, self attested copies of identity proofs of both the parties have been attached. Further they have also been identified by their counsels, respectively.

It is further respectfully submitted that from the statements recorded in the Court and from the conduct of the parties, this Court is satisfied that compromise arrived at to the extent of parties present in the Court is genuine and without any pressure, undue influence, coercion, inducement, threat or promise from any side.

It is further respectfully submitted in the present FIR, there are total two accused as mentioned hereinafter:-

1 Partap Singh son of Manjit Singh.

2 Manjit Singh son of Bhan Singh

Both residents of village Bilaspur, Doraha, Police District Khanna, District Ludhiana.

It is further respectfully submitted that none of the above mentioned accused persons has been declared as "proclaimed Offender" in the present FIR."

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. 0028 dated 09.02.2018 registered under Sections 323, 341, 324, 34 IPC at Police Station Machiwara, Police District Khanna and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

May 04, 2018

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No