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

CRM-M No.1066 of 2018
Date of Decision: 02.05.2018

Manjit Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

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

Present: Mr. Ripudaman Singh Sidhu, Advocate,
for the petitioners.

Mr. Randhir Singh Thind, D.A.G., Punjab.

Ms. Kulwinder Kaur, Advocate, for
Mr. Sushil Sharma, Advocate,
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

1. Initially the present petition was filed for quashing of FIR No.128 dated 29.09.2016 under Sections 323, 324, 506, 148, 149 IPC registered at Police Station Kurali, District S.A.S. Nagar (Mohali) (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

2. Vide order dated 12.01.2018, parties were directed to appear before the trial Court/Illaq Magistrate and the trial Court/Illaq Magistrate was directed to record their statements and submit its report qua the genuineness of the compromise

effected between the parties.

3. In pursuance of said order, statements were recorded on 05.02.2018 and Judicial Magistrate Ist Class, Kharar has also testified in respect of genuineness of compromise in question.

4. As per report of Judicial Magistrate Ist Class, Kharar, accused Manraj Singh is also known by the name of Manna. FIR was registered against six persons. Out of them, four accused have been named and the remaining two accused are unknown persons. As per report under Section 173 Cr.P.C., challan was presented for the offences under Sections 326, 324, 323, 506, 34 IPC against the aforesaid four accused and they were accordingly charge sheeted for the offences under Sections 323, 324, 326, 506 read with Section 34 IPC. No accused were declared as proclaimed offender in the aforesaid case. The compromise was found to be genuine.

5. Since challan was presented for the offence under Section 326 IPC as well, therefore, the petitioners moved an application for addition of offence under Section 326 IPC in the aforesaid case. Vide order dated 14.02.2018, the prayer was allowed. Offence under Section 326 IPC was ordered to be incorporated in the head note as well as in the prayer clause of the petition.

6. During course of arguments before this Court, learned counsel for respondent No.2 has specifically consented to the aforesaid incorporation of offence under Section 326 IPC for the purposes of deciding this case on the basis of compromise, even though no such statement was made before the Judicial Magistrate Ist Class, Kharar on 05.02.2018.

7. 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.

8. 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.

9. 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.**

10. Resultantly, FIR No.128 dated 29.09.2016 under Sections 323, 324, 326, 506, 148, 149 IPC registered at Police Station Kurali, District S.A.S. Nagar (Mohali) (Annexure P-1) and all the subsequent proceedings arising therefrom, are quashed.

11. Petition stands disposed of.

02.05.2018
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No