

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

269

CRM-M No.1098 of 2018

Date of Decision:27.4.2018

AMIT AND ORS

.....Petitioners

Vs

STATE OF HARYANA AND ANR

.....Respondents

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

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

Mr. Munish Dev Sharma, AAG, Haryana.

Mr.Davinder Kumar, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

The statements of the parties have been received in a sealed parcel. After opening the parcel, the statements are taken on record.

Prayer in this petition is for quashing of FIR No. 141 dated 1.5.2017 registered under Sections 148, 149, 323, 341, 427, 452, 506 IPC at Police Station Madhuban District Karnal (Ann

Vide order dated 12.1.2018, parties were directed to appear before the Illaqa Magistrate/trial Court and the Illaqa Magistrate/trial Court was directed to record their statements and submit its report qua the genuineness of the compromise effected between the parties.

In pursuance of the aforesaid order, complainant Pankaj and accused, namely, Amit and Ram Giri @ Rambhool appeared on 23.02.2018 before the Judicial Magistrate Ist Class, Karnal and have deposed in respect of genuineness and voluntary nature of the compromise in question. Accused namely Sumit has also appeared on 01.03.2018 and has endorsed the factum of compromise. Judicial Magistrate Ist Class, Karnal has also endorsed the genuineness of the compromise vide its report dated 1.3.2018.

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. 141 dated 1.5.2017 registered under Sections 148, 149, 323, 341, 427, 452, 506 IPC at Police Station Madhuban District Karnal (Annexure P-1) as well as all

the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

April 27, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No