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

1. CRM-M No.10145 of 2017 (O&M)
Date of Decision: 17.01.2018

NAIB SINGH AND ORSPetitioners
Vs
STATE OF PUNJAB AND ANR.Respondents

2. CRM-M No.10169 of 2017

BAHADUR SINGH AND ORSPetitioners
Vs
STATE OF PUNJAB AND ANR.Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.S. Riar, Advocate for
Mr. Harinder Singh, Advocate
for the petitioners in CRM-M No.10145 of 2017 and
for respondent No.2 in CRM-M No.10169 of 2017.

Mr. C.S. Jattana, Advocate
for the petitioners in CRM-M No.10169 of 2017 and
for respondents No.2 to 4 in CRM-M No.10145 of 2017.

Mr. R.S. Thind, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

CRM No.18827 of 2017 in CRM-M No.10145 of 2017

Prayer made in this application is for impleading
Sukhdev Singh and Sukhbir Kaur as party respondents No.3
and 4.

Notice of this application was issued on 06.07.2017 and

thereafter no reply has been filed on behalf of the non-applicants/respondents.

For the reasons mentioned in the application, the same is allowed and Sukhdev Singh and Sukhbir Kaur are ordered to be impleaded as party respondents No.3 and 4, subject to all just exceptions.

Amended memorandum of parties is taken on record.

Main cases

[1]. Vide this common order, CRM-M No.10145 of 2017 and CRM-M No.10169 of 2017 are being decided as both the petitions arise out of common controversy.

[2]. Prayer in the aforesaid two cases is for quashing of FIR No.0015 dated 13.02.2017 registered under Sections 324/323/148/149 IPC and its cross version recorded vide DDR No.048 dated 13.02.2017 under Sections 323/341/506/34 IPC at Police Station Tappa Mandi, District Barnala (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[3]. Vide order dated 24.03.2017, both the parties were directed to appear before the Illaqa Magistrate on 03.04.2017 for recording their respective statements in the context of genuineness of the compromise in question.

[4]. In pursuance of said order, both the parties have

already appeared before the Judicial Magistrate 1st Class, Barnala, who has sent a report to this Court with reference to the statements made by the parties and also endorsed the factum of genuineness and voluntary nature of the compromise.

[5]. 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.

[6]. 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.**

[7]. Resultantly, FIR No.0015 dated 13.02.2017 registered under Sections 324/323/148/149 IPC and its cross version recorded vide DDR No.048 dated 13.02.2017 under Sections 323/341/506/34 IPC at Police Station Tappa Mandi, District Barnala (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Both the petitions stand disposed of.

January 17, 2018

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No