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

**CRM-M No.1054 of 2017
Date of Decision: 28.02.2018**

NEELAM KUMARI & ANR

.....Petitioners

Vs

STATE OF PUNJAB & ORS

.....Respondents

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

Present: Mr. Dinesh Nagar, Advocate
for the petitioners.

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

Ms. Ameena, Advocate for
Mr. Vikram Anand, Advocate
for respondents No.2 and 3.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of FIR No.53 dated 20.03.2015 registered under Sections 406/420/465/467/468/471 IPC at Police Station Division-8, Jalandhar, District Jalandhar City as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. Three persons namely Ashwani Dixit, Neelam Kumari and Manish Kumar were involved in the present case.

Proceedings *qua* Ashwani Dixit have already been quashed vide

order dated 16.12.2016 passed by the Co-ordinate Bench of this Court in CRM-M No.9363 of 2016.

[3]. Vide order dated 07.09.2017, both the parties were directed to appear before the trial Court/Area Magistrate for recording their respective statements in respect of genuineness of the compromise in question.

[4]. In pursuance of the aforesaid order, both the parties have already appeared on 19.09.2017 as well as on 06.10.2017 before the Judicial Magistrate Ist Class, Jalandhar and have deposed in respect of genuineness and voluntary nature of the compromise in question. The Judicial Magistrate Ist Class, Jalandhar has also endorsed the genuineness of the compromise vide its report dated 11.10.2017.

[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.53 dated 20.03.2015 registered under Sections 406/420/465/467/ 468/471 IPC at Police Station Division-8, Jalandhar, District Jalandhar City as well as all the

subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

February 28, 2018	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No