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

CRM-M No.1494 of 2018

Date of Decision: 27.04.2018

Aman Kumar and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

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

Present: Mr. Balbir Singh Jaswal, Advocate,
for the petitioners.

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

Mr. Manoj Sharma, Advocate, for
Mr. Ankush Thakral, Advocate,
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

1. Petitioners have filed the present petition for quashing of FIR No.193 dated 12.05.2012 under Sections 420/120-B IPC registered at Police Station Civil Lines, District Amritsar (Annexure P-1) and order dated 18.03.2016 vide which petitioners No.2 and 3 were declared to be proclaimed persons, thereafter, petitioner No.3 surrendered and was released on regular bail by the trial Court, as well as all the subsequent proceedings arising therefrom on the basis of compromise.

2. Vide order dated 16.01.2018, petitioner No.2 was directed to appear before the trial Court on 22.01.2018 and in the event of his appearance, he was to be enlarged on interim bail to the satisfaction of the trial Court. It was also directed that respondent No.2 may also appear before the trial Court and parties may make their statements in the context of genuineness of the compromise in question.

3. A report from Judicial Magistrate Ist Class, Amritsar has been received wherein it has been disclosed that petitioners along with respondent No.2 have appeared on 08.02.2018 and have deposed in the context of compromise being genuine and voluntarily made. The Judicial Magistrate Ist Class, Amritsar has also recorded its satisfaction with regard to genuineness of the compromise in question which is stated to be without any pressure, coercion or undue influence.

4. 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.

5. 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.

6. 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.193 dated 12.05.2012 under

Sections 420/120-B IPC registered at Police Station Civil Lines, District Amritsar (Annexure P-1) and order dated 18.03.2016 vide which petitioners No.2 and 3 were declared to be proclaimed persons and all the subsequent proceedings arising therefrom, are quashed.

8. Petition stands disposed of.

27.04.2018
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No