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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.1531 of 2018
Date of Decision: 21.04.2018

GURDEEP SINGHPetitioner

Vs

STATE OF PUNJAB AND ORSRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Damandeep Singh, Advocate
for the petitioner.

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

RAJ MOHAN SINGH, J. (Oral)

[1]. At the very outset, learned counsel for the petitioner submitted that the allegations in the FIR are of rash and negligent driving, endangering life by such driving of the vehicle and causing mischief in relation to damage to the amount of Rs.50/-. There is no allegation of offence causing such offence by rash and negligent driving attracting applicability of view of judgment passed by the Hon'ble Apex Court in ***Criminal Appeal No.520 of 2015*** titled "***State of Punjab vs. Saurabh Bakshi***" and judgment passed by the Division Bench of this Court in ***CRM-M No.40769 of 2014*** titled "***Baldev Singh vs. State of***

Punjab and another".

[2]. Prayer made in this petition is for quashing of FIR No.38 dated 22.04.2014 registered under Sections 279, 337, 427 IPC at Police Station Phase 11, SAS Nagar (Mohali) on the basis of compromise.

[3]. Both the parties have entered into amicable resolution of the dispute. On 16.01.2018, following order was passed by this Court:-

"Prayer made in this petition is for quashing of FIR No.38 dated 22.04.2014 under Sections 279, 337, 427 IPC, registered at Police Station Phase 11, District S.A.S. Nagar (Mohali) on the basis of compromise.

Notice of motion for 22.03.2018.

In the meanwhile, parties are directed to appear before the trial Court/Illaq Magistrate on 25.01.2018 and the trial Court/Illaq Magistrate, after recording their statements, shall submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date."

[4]. In pursuance of the aforesaid order, both the parties have appeared before the Addl. Chief Judicial Magistrate, SAS Nagar (Mohali) on 25.01.2018 and have deposed in the context of genuineness of the compromise in question. Addl. Chief Judicial Magistrate, SAS Nagar (Mohali) has recorded his

satisfaction to the effect that the compromise is genuine, without any pressure or coercion. No other accused is involved in the case, nor any accused is declared as a proclaimed offender.

[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.38 dated 22.04.2014 registered under Sections 279, 337 and 427 IPC at Police Station Phase 11, SAS Nagar (Mohali) (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

April 21, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No