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

**CRM-M No.1566 of 2018
Date of Decision: 21.04.2018**

**BIKRAMJIT KUMAR KALIA AND ANR Petitioners
Vs
STATE OF PUNJAB AND ANR Respondents**

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

Present: Mr. Ranjan Lakhanpal, Advocate
for the petitioners.

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

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of FIR No.0005 dated 15.02.2014 registered under Sections 420/120-B IPC at Police Station Dhar Kalan, District Pathankot as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. Vide order dated 08.01.2018, both the parties were directed to appear before the Illaqa Magistrate for recording their respective statements in respect of genuineness of the compromise in question.

[3]. In pursuance of the aforesaid order, the complainants namely Parshotam Singh, Hem Raj, Babu Ram, Mohan Lal,

Amar Singh and Raj Kumar have already appeared on 01.02.2018 before the Judicial Magistrate Ist Class, Pathankot and have deposed in respect of genuineness and voluntary nature of the compromise in question. Accused namely Bikramjit Kumar Kalia and Surinder Kaur have also appeared on 01.02.2018 and have endorsed the factum of compromise. Judicial Magistrate Ist Class, Pathankot has also endorsed the genuineness of the compromise vide its report dated 01.02.2018.

[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. 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.**

[6]. Resultantly, FIR No.0005 dated 15.02.2014 registered under Sections 420/120-B IPC at Police Station Dhar Kalan, District Pathankot (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

April 21, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No