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

1. **CRM-M No.1739 of 2018**
Date of Decision: 26.04.2018

Kulwinder Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

2. **CRM-M No.1769 of 2018**

Mohinder Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

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

Present: Mr. Randeep Singh, Advocate for
Mr. Vipin Mahajan, Advocate
for the petitioners in CRM-M No.1739 of 2018 &
for respondent No.2 in CRM-M No.1769 of 2018.

Mr. Vishal Munjal, Advocate
for the petitioners in CRM-M No.1769 of 2018 &
for respondent No.2 in CRM-M No.1739 of 2018.

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

RAJ MOHAN SINGH, J. (Oral)

[1]. Vide this common order CRM Nos.1739 and 1769 of 2018 are being disposed of as both the petitions arise out of common controversy.

[2]. In CRM-M No.1739 of 2018, prayer has been made for

quashing of FIR No.11 dated 03.03.2017 registered under Sections 326, 324, 323, 34 IPC at Police Station Dera Baba Nanak, Police Distt. Batala, District Gurdaspur (Annexure P-1) on the basis of compromise.

[3]. In CRM-M No.1769 of 2018, prayer has been made for quashing of cross version registered vide GD No.22 dated 04.03.2017 under Sections 323, 324, 326, 34 IPC in FIR No.11 dated 03.03.2017 registered under Sections 326, 324, 323, 34 IPC at Police Station Dera Baba Nanak, Police Distt. Batala District Gurdaspur, Punjab (Annexure P-1) on the basis of compromise.

[4]. In both the cases, vide order dated 07.01.2018, parties were directed to appear before the trial Court/*Ilalaqa* Magistrate on 29.01.2018 for recording their respective statements in respect of settlement arrived at between the parties.

[5]. In pursuance of the aforesaid order, both the parties have already appeared on 29.01.2018 before the Judicial Magistrate Ist Class, Batala and have deposed in respect of genuineness and voluntary nature of the compromise in question. The Judicial Magistrate Ist Class, Batala has also endorsed the factum of genuineness of the compromise and as

per report sent by the Magistrate, the compromise in question is on account of free will, without coercion or undue influence of anyone.

[6]. 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.

[7]. 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.**

[8]. Resultantly, FIR No.11 dated 03.03.2017 registered under Sections 326, 324, 323, 34 IPC & its cross version registered vide GD No.22 dated 04.03.2017 under Sections 323, 324, 326, 34 IPC at Police Station Dera Baba Nanak, Police Distt. Batala District Gurdaspur, Punjab(Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[9]. Both the petitions stand disposed of.

April 26, 2018

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No