

274

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

**CRM-M No.20219 of 2017
Date of Decision: 23.01.2018**

Masih Younus and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

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

Present: Mr. Sunil Agnihotri, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Vishal Munjal, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.138 dated 01.08.2013 registered under Sections 323/324/452/148/149/427/506 IPC at Police Station Dasuya, District Hoshiarpur as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Out of total 15 accused nominated in the FIR, accused namely Pawan Kumar, Rubi, Laddi, Wilson @ Happy, Tarsem Masih, Rajan and Lal Chand were challaned. Lal Chand has

already expired and qua him proceedings stood abated. Other accused persons were found to be innocent. Accused Pawan Kumar son of Mustaq Masih has also been convicted in some other case. Accused Salamat Masih is also accused in FIR No.73 dated 21.05.2016 registered under Sections 323, 324, 452, 148, 149 IPC at Police Station Dasuya in which challan has not been presented so far.

Vide order dated 02.06.2017, both the parties were directed to appear before the trial Court on 12.06.2017 for making statements in the context of genuineness of the compromise. In compliance of said order, both the parties have appeared before the Judicial Magistrate Ist Class, Dasuya on 12.06.2017 and have deposed in the context of genuineness and voluntary nature of compromise in question. The statements of the parties have been appreciated by the Judicial Magistrate Ist Class, Dasuya who has found the same to be voluntarily made. The factum of Lal Chand having been died has also been noticed. Salamat Masih is also accused in one more case in which challan has not been presented.

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.

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.**

Resultantly, FIR No.138 dated 01.08.2013 registered under Sections 323/324/452/148/149/427/506 IPC at Police Station Dasuya, District Hoshiarpur and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

January 23, 2018

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No