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

**CRM-M No.21222 of 2017
Date of Decision: 30.01.2018**

HARPREET SINGH AND ANR

.....Petitioners

Vs

STATE OF PUNJAB AND ORS

.....Respondents

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

Present: Mr. Gursimranjit Singh, Advocate for
Mr. N.S. Bhullar, Advocate
for the petitioners.

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

Mr. G.S. Sandhu, Advocate
for respondents No.2 to 4.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of FIR No.122 dated 20.12.2016 registered under Sections 458, 427, 506, 148, 149 IPC at Police Station Dhanaula, District Barnala (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. After issuance of notice of motion on 03.07.2017, following order was passed by the Co-ordinate Bench of this

Court on 17.08.2017:-

“Prayer in this petition is for quashing of FIR and all the proceedings subsequent arising thereto on the basis of compromise.

Learned State counsel on instructions from ASI Gurjant Singh states that in the present FIR, the offence under Section 458 IPC has been deleted as during the course of inquiry, no such material was found which may attract the offence under Section 458 IPC.

At this stage, Mr. G.S. Sandhu, Advocate, Advocate has put in appearance on behalf of respondent Nos.2 to 4 and admits the factum of compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/Trial Court for recording their respective statements with regard to compromise/settlement on 25.9.2017.

The Illaqa Magistrate/Trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:-

- (i) number of persons arrayed as accused in FIR.*
- (ii) whether any accused is proclaimed offender.*
- (iii) whether the compromise is genuine, voluntary, and without any coercion or undue influence.*

Adjourned to 27.10.2017.”

[3]. Thereafter vide order dated 14.11.2017, one more opportunity was granted to respondents No.3 and 4 to get their statements recorded in terms of order dated 17.08.2017.

[4]. In pursuance of the aforesaid orders, both the parties have already appeared before the Chief Judicial Magistrate, Barnala. Statements of complainant Mandeep Duggal, accused Harpreet Singh and Harsimranjit Singh were recorded on 25.09.2017 and statements of Deepak Duggal and Sandeep Duggal were also recorded on the same day to the satisfaction of the Chief Judicial Magistrate, Barnala.

[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.122 dated 20.12.2016 registered under Sections 458, 427, 506, 148, 149 IPC at Police Station Dhanaula, District Barnala (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

January 30, 2018

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No