

275-A

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

**CRM-M No.21225 of 2017
Date of Decision: 30.01.2018**

MANDEEP DUGGAL AND OTHERS
.....Petitioners

Vs

STATE OF PUNJAB AND ORS
.....Respondents

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

Present: Mr. G.S. Sandhu, Advocate
for the petitioners.

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

Mr. Gursimranjit Singh, Advocate for
Mr. N.S. Bhullar, Advocate
for respondents No.2 and 3.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of DDR No.36 dated 23.12.2016 registered under Sections 307, 506, 148, 149 IPC and Sections 24/54/59 of the Arms Act in 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 DDR No.36 dated 23.12.2016, under Sections 307, 506, 148, 149 IPC and Section 27/54/59 of Arms Act in FIR No.122 dated 20.12.2016, under Sections 458, 427, 506, 148 and 149 IPC, registered at Police Station Dhanaula, District Barnala and all the proceedings subsequent arising thereto on the basis of compromise dated 29.4.2017 (Annexure P-3).

Learned counsel for the petitioners states that during the course of inquiry, the police has found that no offence under Section 307 IPC is made out against the petitioners-accused.

The fact that Section 307 IPC has been deleted in the case during investigation has fairly been admitted by learned State counsel, of course, on instructions from ASI Gurjant Singh.

At this stage, Mr. N.S. Bhullar, Advocate has put in appearance on behalf of respondent Nos.2 and 3 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.

To be heard along with Criminal Misc. No. M-21222 of 2017.”

[3]. Thereafter vide order dated 14.11.2017, one more opportunity was granted to petitioners no.2 and 3 and respondent No.3 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, DDR No.36 dated 23.12.2016 registered under Sections 307, 506, 148, 149 IPC and Sections 24/54/59 of the Arms Act in 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