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

CRM-M No. 23412 of 2016
Date of Decision: 23.02.2018

Mandeep Kaur @ Dipti and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Bhupinder Ghai, Advocate,
for the petitioners.

Mr. Randhir Singh Thind, D.A.G., Punjab.

Mr. Mohit Kakkar, Advocate,
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

1. Prayer in this petition is for quashing of FIR No.143 dated 29.04.2016 registered under Sections 420, 120-B IPC at Police Station Civil Lines, District Amritsar (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

2. Learned State counsel on instructions from ASI Balwinder Singh submits that infact 31 persons were aggrieved against the petitioners. Out of aforesaid 31 victims, 18 persons have already filed affidavits before the Investigating Officer. Remaining 13 have got recorded their statements before the

Investigating Officer. All the aforesaid victims have not been arrayed as party respondents in the present petition except Balraj Singh as respondent No.2.

3. Vide order dated 14.07.2016, parties were directed to appear before the trial Court/Illaq Magistrate and the trial Court/Illaq Magistrate was directed to record their statements and submit its report qua the genuineness of the compromise effected between the parties.

4. Thereafter, factum of 31 complaints was noticed by the Court in its order dated 02.08.2017 and the State was directed to file report in the aforesaid context indicating the complaints made by different persons and the action taken by the police thereon.

5. Statement of the Investigating Officer as made today is indicative of the fact that out of total 31 victims, all are satisfied with the compromise in question. The Deputy Superintendent of Police was appointed as Investigating Officer of this case who has instructed ASI Balwinder Singh to apprise this Court about factual matrix of the case.

6. In pursuance of order dated 14.07.2016, both the parties have got recorded their statements before the Chief Judicial Magistrate, Amritsar on 12.08.2016. Statement of Balraj Singh-complainant as well as statements of accused Mandeep

Kaur and Amrit Lal were recorded and thereafter, Chief Judicial Magistrate, Amritsar endorsed satisfaction to the effect that the compromise between the parties is genuine, voluntary and without any undue influence and coercion.

7. 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.

8. 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.

9. 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.**

10. Resultantly, FIR No.143 dated 29.04.2016 registered under Sections 420, 120-B IPC at Police Station Civil Lines, District Amritsar (Annexure P-1) and all the subsequent proceedings arising therefrom, are quashed.

11. Petition stands disposed of.

23.02.2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No