

**116**

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

CRM-M No. 28088 of 2017  
Date of Decision: 23.01.2018

Jagbir Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Jaspreet Singh Brar, Advocate,  
for the petitioners.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr. Shivender Pal, Advocate,  
for respondents No.2 and 3.

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**RAJ MOHAN SINGH, J. (Oral)**

Prayer in this petition is for quashing of FIR No.02 dated 06.01.2017 registered under Sections 295, 323, 324, 148, 149 IPC (Section 326 added later on) at Police Station Sarai Amant Khan, District Tarn Taran (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

While issuing notice of motion on 03.08.2017, parties were directed to appear before the trial Court on 06.09.2017, i.e. the date already fixed to get their statements recorded in the

context of genuineness of compromise in question. The trial Court was also directed to send a report in this regard. Thereafter, on 27.09.2017, the date of appearance was extended to 25.10.2017 and the parties were directed to get their statements recorded. Both the parties appeared before the trial Court on 25.10.2017.

The Judicial Magistrate Ist Class, Patti has recorded the statements of accused-petitioners as well as respondents No.2 and 3. The Judicial Magistrate Ist Class, Patti has also found the compromise to be genuine and voluntary in nature. No accused has been declared to be proclaimed offender. Statement of ASI Mohan Lal was recorded to this effect on 06.11.2017.

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.02 dated 06.01.2017 registered under Sections 295, 323, 324, 148, 149 IPC (Section 326 added

later on) at Police Station Sarai Amant Khan, District Tarn Taran (Annexure P-1) and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

January 23, 2018

*jyoti*

**(RAJ MOHAN SINGH)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No