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

CRM-M No.3006 of 2018
Date of Decision: 27.04.2018

Gurmail Singh @ Gurmail Ram and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

CRM-M No.10420 of 2018

Balbir Kumar and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Manoj K. Sharma, Advocate,
for the petitioners (in CRM-M-3006-2018)
for respondent No.2 (in CRM-M-10420-2018).

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

Mr. B.S. Jaswal, Advocate, for
Mr. Aruz Khan, Advocate,
for the petitioners (in CRM-M-10420-2018)
for respondents No.2 and 3 (in CRM-M-3006-2018).

RAJ MOHAN SINGH, J. (Oral)

1. Vide this common order, CRM-M No.3006 of 2018 titled 'Gurmail Singh @ Gurmail Ram and others vs State of Punjab and others' and CRM-M No.10420 of 2018 titled 'Balbir Kumar and others vs State of Punjab and another' are being

disposed of.

2. The aforesaid cases are version and cross version of the same incident.

3. In CRM-M No.3006 of 2018, FIR No.0004 dated 12.01.2018 under Sections 323, 452, 34 IPC registered at Police Station Mehtiana is sought to be quashed whereas in CRM-M No.10420 of 2018, cross-version arising out of DDR No.013 dated 13.01.2018 under Sections 323, 452, 34 IPC registered at Police Station Mehtiana is sought to be quashed as cross version, on the basis of compromise.

4. In CRM-M No.3006 of 2018, both the parties were directed to appear before the trial Court/Illaq Magistrate on 06.02.2018 for recording their statements in the context of genuineness of the compromise in question. In CRM-M No.10420 of 2018, both the parties were directed to appear before the trial Court/Illaq Magistrate on 26.03.2018 for the same purpose.

5. As per report received from the Judicial Magistrate Ist Class, Hoshiarpur in both the cases, it has been reported that as per report received from concerned police station with regard to number of accused, it has been testified that only four accused are involved in FIR case and five accused are involved in cross-version case. The Court has also reported that none of

the accused has been declared as proclaimed offender as per report of Criminal Ahlmad. Both the parties have settled their dispute after effecting compromise in a lawful manner. The compromise has been found to be voluntarily executed without their being any undue influence.

6. 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.

7. 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.

8. 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.**

9. Resultantly, FIR No.0004 dated 12.01.2018 under Sections 323, 452, 34 IPC registered at Police Station Mehtiana and cross-version i.e. DDR No.013 dated 13.01.2018 under Sections 323, 452, 34 IPC registered at Police Station Mehtiana and all the subsequent proceedings arising therefrom, are quashed.

10. Petition stands disposed of.

27.04.2018
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No