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

CRM-M No.336 of 2018

Date of Decision: 02.05.2018

Sandeep and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

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

Present: Mr. Kanwar Pahul Singh, Advocate,
for the petitioners.

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

Ms. Veenus Dhaka, Advocate,
for respondents No.2 to 5.

RAJ MOHAN SINGH, J. (Oral)

1. Prayer in this petition is for quashing of FIR No.126 dated 30.06.2016 under Sections 458, 323, 427, 506, 148, 149 IPC registered at Police Station 'Cantonment' Police Commissionerate (Annexure P-2) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

2. Vide order dated 09.01.2018, parties were directed to appear before the Illaqa Magistrate and the Illaqa Magistrate was directed to record their statements and submit its report qua the genuineness of the compromise effected between the

parties.

3. In pursuance of said order, Judicial Magistrate Ist Class, Amritsar submitted his parawise report as under:-

“i. There are three accused in the present FIR.

ii. No criminal case and proclamation proceedings is pending against either of the parties in the court of undersigned who appeared in the court for recording their statements.

iii. As per statement of parties, they compromised the matter voluntarily and without any coercion or undue influence. They admitted the genuineness of the compromise.”

4. 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.

5. 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.

6. 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.126 dated 30.06.2016 under Sections 458, 323, 427, 506, 148, 149 IPC registered at Police

Station 'Cantonment' Police Commissionerate (Annexure P-2)
and all the subsequent proceedings arising therefrom, are
quashed.

8. Petition stands disposed of.

02.05.2018
kyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No