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

CRM-M No.32762 of 2017

Date of Decision: 23.01.2018

Ravi Doshi

.....Petitioner

Vs

State of Haryana and another

.....Respondents

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

Present: Mr. Naresh Kaushik, Advocate
for the petitioner.

Mr. Munish Dev Sharma, AAG, Haryana.

Mr. Vinod Bhardwaj, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.115 dated 14.03.2017 registered under Section 380 IPC at Police Station Sector-5, Panchkula as well as all the subsequent proceedings arising therefrom on the basis of compromise. Offence under Section 380 IPC has already been replaced for the offences under Sections 409/420 IPC.

Vide order dated 21.11.2017, parties were directed to appear before the Illaqa Magistrate for recording their

statements in the context of genuineness of the compromise in question. Both the parties have appeared before the Chief Judicial Magistrate, Panchkula on 05.12.2017 and have deposed in the context of genuineness and voluntarily nature of compromise.

Chief Judicial Magistrate, Panchkula has also recorded satisfaction to the effect that the complainant has entered into a compromise with the accused. As per compromise, the accused has given an amount of Rs.6,25,000/- to the complainant and an amount of Rs.40,000/- had already been recovered from him by the police and the said amount was also handed over to complainant i.e. Parveen Nagra by the police on *supardari*. After recording the aforesaid statement of fact, Chief Judicial Magistrate has also recorded that the compromise has been arrived at between the parties without undue influence or pressure. No person is involved in the case.

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.115 dated 14.03.2017 registered under Section 380 IPC at Police Station Sector-5, Panchkula and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

January 23, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No