

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

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**CRM-M No. 33060 of 2017
Date of Decision: 22.2.2018**

MANPREET KAUR AND ANR

.....Petitioners

Vs

STATE OF PUNJAB & ANOTHER

.....Respondents

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

Present: Mr.D.S.Sandhu , Advocate
for the petitioners.

Mr. R.S.Thind, DAG, Punjab

Ms.Mandeep Kaur , Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No. 49 dated 13.2.2015 registered under Sections 328, 380, 120-B IPC at Police Station City District Kapurthala (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

Complainant Parminder Singh is father of petitioner No.1. Petitioner No.2 is the son of real brother-in-law of the complainant. Petitioner No.2 was residing in the house of

respondent No.2. Both the petitioners ran away from the house after mixing some medicine in the food of the family of the complainant and solemnized marriage. Since both are in *sapinda* relations, therefore, with the intervention of respectables of the family, a compromise has been effected between the parties.

Vide order dated 7.9.2017, parties were directed to appear before the trial Court and the trial Court was directed to record their statements and submit its report qua the genuineness of the compromise effected between the parties.

In pursuance of said order, District and Sessions Judge, Kapurthala, after recording statements of the parties has reported that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

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. 49 dated 13.2.2015 registered under Sections 328, 380, 120-B IPC at Police Station City

District Kapurthala (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

Petition stands disposed of.

February 22, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No