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

**CRM-M No.35581 of 2017**

**Date of Decision: 08.01.2018**

**Chander Seth @ Sethi and others**

**.....Petitioners**

**Vs**

**State of Punjab and another**

**.....Respondents**

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

Present: Mr. Nitesh Singhi, Advocate  
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

None for respondent No.2.

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

Prayer in this petition is for quashing of FIR No.112 dated 10.12.2015 registered under Sections 341, 323, 506, 34 IPC at Police Station Banur, District SAS Nagar, Mohali as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Vide order dated 10.10.2017, parties were directed to appear before the trial Court/Area Judicial Magistrate for getting their statements recorded with regard to the compromise arrived at between them. Trial Court was directed to indicate (i) how

many total accused are facing the trial, (ii) status/stage of the trial/case, (iii) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (iv) to send its report to this Court. In compliance of said order, a report has been received from the Judicial Magistrate, 1st Class, SAS Nagar, Mohali endorsing the genuineness of the compromise in question. The compromise has been effected in a *bona fide* manner without there being any pressure or undue influence. Statements of the complainant as well as accused were recorded by the Judicial Magistrate, 1st Class on 20.11.2017 to the effect that they have effected a valid compromise without any pressure or coercion. The said compromise was also authenticated by HC Narinder Singh whose statement was also recorded by the Judicial Magistrate, 1st Class on 20.11.2017.

Having perused the material on record, this Court is of the opinion that in view of compromise on record, chances of ultimate conviction of the accused are remote and bleak. 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 just and appropriate to exercise extraordinary jurisdiction 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. The offences in question are personal in nature and do 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 interest 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 the same, but in order to prevent unnecessary continuation of criminal proceedings, 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.112 dated 10.12.2015 registered

under Sections 341, 323, 506, 34 IPC at Police Station Banur,  
District SAS Nagar, Mohali and all the subsequent proceedings  
arising therefrom, are quashed.

January 08, 2018  
*Prince*

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

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |