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

**CRM-M No.36160 of 2015
Date of Decision: 17.01.2018**

RAJWINDER SINGH AND ANR.

.....Petitioners

Vs

STATE OF PUNJAB AND ORS.

.....Respondents

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

Present: Mr. K.R. Dhawan, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr. D.K. Prajapati, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of FIR No.102 dated 05.05.2010 registered under Sections 337/338/279/427 IPC at Police Station Shahkot, District Jalandhar (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. Vide order dated 26.07.2016, both the parties were directed to appear before the trial Court for recording their respective statements with regard to genuineness of the

compromise in question.

[3]. In pursuance of said order, both the parties have already appeared before the Judicial Magistrate Ist Class, Nakodar, who has sent a report to this Court with reference to the statements made by the parties and has also recorded his satisfaction with regard to genuineness of the compromise in question. Statements of the complainants/respondents No.2 and 3 were recorded on 02.08.2016, who have testified the genuineness and voluntary nature of the compromise. Statement of petitioner No.1 was also recorded on the same day and the statement of father of petitioner No.2 being holder of power of attorney was recorded, as petitioner no.2 had gone to Australia, who was summoned with the aid of Section 319 Cr.P.C.

[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. 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.**

[6]. Resultantly, FIR No.102 dated 05.05.2010 registered under Sections 337/338/279/427 IPC at Police Station Shahkot, District Jalandhar (Annexure P-1) as well as all the subsequent

proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

January 17, 2018	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No