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

Date of Decision: 20.02.2018

1. CRM-M No.36821 of 2017

Vinod Kumar Malhotra and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

2. CRM-M No.4117 of 2017

Riya Malhotra

.....Petitioner

Vs

State of Punjab

.....Respondent

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

Present: Mr. Chander Kant Thakur, Advocate for
Mr. Manoj Kumar Pundir, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Arun Luthra, Advocate
for respondent No.2 in CRM-M No.36821 of 2017.

RAJ MOHAN SINGH, J. (Oral)

Vide this common order, CRM-M No.36821 of 2017

titled Vinod Kumar Malhotra and others Vs. State of Punjab and another and CRM-M No.4117 of 2017 titled Riya Malhotra Vs. State of Punjab are being disposed of. Facts are being taken from CRM-M No.36821 of 2017.

Five accused persons have filed CRM-M No.36821 of 2017 for quashing of FIR No.156 dated 20.06.2015 registered under Sections 419, 420, 465, 467, 468, 471, 120-B IPC (Section 201 IPC added later on) at Police Station Division No.5, Civil Lines Ludhiana on the basis of compromise.

On 30.11.2017, following order was passed:-

“Learned counsel for the petitioners states that the petitioners have already executed the sale deed in terms of the compromise.

Service is complete.

Learned counsel for the petitioners as well as learned counsel for respondent No.2 state that compromise has been effected between the parties.

Now the parties are directed to appear before the learned trial Court where the case is pending on 15.01.2018 and to get recorded their statements regarding compromise and after recording their statements, learned trial Court, is directed to send the report regarding the genuineness of compromise on or before the date fixed i.e.20.02.2018.

A copy of this order be sent to learned trial Court, through fax, for compliance.”

Thereafter, both the parties have appeared before the

Judicial Magistrate First Class, Ludhiana on 20.01.2018 and got recorded their respective statements in the context of compromise. Judicial Magistrate First Class, Ludhiana after due satisfaction has recorded the following facts:-

“3. It is further submitted that the statement of accused Vinod Kumar, Ajay Malhotra, Riya Malhotra, Nirvair Singh and Davinder Singh who stated that they have heard the statement of complainant and the same is true and correct. So the above said FIR be quashed and they may be acquitted. Copy of the said statement is being enclosed herewith. The present case is now fixed for awaiting further orders.

4. From the statements suffered by the above stated parties, I am satisfied that the parties have voluntarily entered into compromise with each other and the compromise is without any under influence and coercion and same appears to be genuine and copy of same is also placed on record as Ex.P1. As such, a valid compromise has been arrived at between the parties. Report in this regard is being sent to the Hon'ble High Court.”

One of the accused/petitioner i.e. Riya Malhotra was declared as proclaimed person vide order dated 30.05.2016. She had preferred CRM-M No.4117 of 2017 seeking to quash the aforesaid order.

Vide order dated 30.11.2017 passed in CRM-M No.4117 of 2017 by the Co-ordinate Bench, Riya Malhotra was

directed to surrender before the trial Court within 10 days from that day and on doing so, she was to be released on interim bail to the satisfaction of the trial Court.

Both the parties are *ad idem* that in pursuance of order dated 30.11.2017 passed in CRM-M No.4117 of 2017, Riya Malhotra was granted bail.

Since parties have amicably resolved their differences, therefore, in the light of report submitted by the Judicial Magistrate First Class, Ludhiana in the context of genuineness of the compromise in question, I deem it appropriate to quash the order dated 30.05.2016 vide which Riya Malhotra was declared to be proclaimed person.

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.156 dated 20.06.2015 registered under Sections 419, 420, 465, 467, 468, 471, 120-B IPC (Section 201 IPC added later on) at Police Station Division No.5, Civil Lines Ludhiana and order dated 30.05.2016 passed by

Additional Chief Judicial Magistrate, Ludhiana and all the subsequent proceedings arising therefrom, are quashed.

Petitions stand disposed of.

February 20, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No