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

**CRM-M No.37218 of 2017
Date of Decision: 26.04.2018**

RAKESH GARG & ORS

.....Petitioners

Vs

STATE OF PUNJAB & ANR

.....Respondents

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

Present: Mr. Ashutosh Bhardwaj, Advocate
for the petitioners.

Mr. R.S. Thind, D.A.G., Punjab.

Mr. Nishant Arora, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of FIR No.110 dated 19.03.2014 registered under Sections 420, 406, 120-IPC (Section 120-B IPC added later on) at Police Station Zirakpur, District Mohali (Punjab) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. Learned State counsel on instructions from HC Bikram Singh submitted that challan has been prepared qua Rakesh Garg, Namita Garg and Sahil Garg. Complicity of petitioner

No.4-Pankaj Garg and petitioner No.5 Nidhi Garg was not found in the present case. The parties have entered into compromise.

[3]. Vide order dated 10.04.2017, both the parties were directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements in respect of genuineness of the compromise in question.

[4]. In pursuance of the aforesaid order, both the parties have already appeared on 16.10.2017 before the Judicial Magistrate Ist Class, Dera Bassi and have deposed in respect of genuineness and voluntary nature of the compromise in question. Judicial Magistrate Ist Class, Dera Bassi has also endorsed the genuineness of the compromise vide its report dated 18.11.2017.

[5]. 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.

[6]. 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.**

[7]. Resultantly, FIR No.110 dated 19.03.2014 registered under Sections 420, 406, 120-IPC (Section 120-B IPC added

later on) at Police Station Zirakpur, District Mohali (Punjab) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

April 26, 2018

Atik

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No