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

CRM-M No. 38874 of 2017

Date of Decision: 01.02.2018

Davinder Singh @ Dara and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Akshit Aggarwal, Advocate, for
Mr. Sherry K. Singla, Advocate,
for the petitioners.

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

RAJ MOHAN SINGH, J. (Oral)

Petitioners have preferred this petition for quashing of FIR No.25 dated 19.05.2015 registered under Sections 325, 323, 193, 34 IPC at Police Station Sandaur, District Sangrur (Annexure P-1) along with order dated 27.07.2016 passed by Judicial Magistrate Ist Class, Malerkotla charge sheeting the petitioners for the offence under Sections 325, 323, 193, 34 IPC and entire subsequent proceedings undertaken in pursuance thereof on the basis of compromise.

Vide order dated 13.10.2017, parties were directed to appear before the trial Court/Illaq Magistrate and the trial Court/Illaq Magistrate 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, Judicial Magistrate Ist Class, Malerkotla, after recording statements of the parties, has reported that the compromise effected between the parties is genuine, voluntary and without any undue influence and coercion.

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.25 dated 19.05.2015 registered under Sections 325, 323, 193, 34 IPC at Police Station Sandaur, District Sangrur (Annexure P-1) along with order dated 27.07.2016 passed by Judicial Magistrate Ist Class, Malerkotla charge sheeting the petitioners for the offence under Sections 325, 323, 193, 34 IPC and entire subsequent proceedings undertaken in pursuance thereof, are quashed.

Petition stands disposed of.

01.02.2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No