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

**CRM-M No.39007 of 2017
Date of Decision: 10.01.2018**

SOHAN LAL @ BIRA AND ORS

.....Petitioners

Vs

STATE OF PUNJAB AND ANR

.....Respondents

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

Present: Mr. Mohd. Yousaf, Advocate
for the petitioners.

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

None for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of FIR No.140 dated 12.09.2017 registered under Sections 379, 447, 427, 506, 120-B IPC and Under Sections 380, 452 IPC (added later on) at Police Station Lambra District Jalandhar Rural (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. Vide order dated 13.10.2017, both the parties were directed to appear before the Illaqa Magistrate/trial Court for

recording their respective statements in respect of compromise dated 30.11.2017.

[3]. In pursuance of said order, both the parties have already appeared before the Judicial Magistrate Ist Class, Jalandhar, who has sent a report to this Court with reference to the statements made by the parties. Accused/petitioners have appeared on 30.11.2017 and have made statements in the context of genuineness of the compromise in question. Statement of the complainant/respondent No.2 was also recorded on the same day, who has also testified the genuineness and voluntary nature of the compromise. Statement of ASI Karnail Singh was also recorded on 08.12.2017 by the Court to show that there is no other accused involved in the case and no accused has been declared to be a proclaimed offender.

[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.140 dated 12.09.2017 registered under Sections 379, 447, 427, 506, 120-B IPC and Under

Sections 380, 452 IPC (added later on) at Police Station Lambra District Jalandhar Rural (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

January 10, 2018	(RAJ MOHAN SINGH)
Atik	JUDGE

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