

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

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**CRM-M No. 39828 of 2017
Date of Decision: 22.2.2018**

HARSHARAN SINGH @ HARISHARAN SINGH

.....Petitioner

Vs

STATE OF PUNJAB & ANOTHER

.....Respondents

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

Present: Mr.P.K.S.Phoolka, Advocate
for the petitioner.

Mr. R.S.Thind, DAG, Punjab

Mr.Devender Kumar , Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No. 85 dated 9.11.2016 registered under Section 336 IPC at Police Station Kotbhai District Sri Mukatsar Sahib (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

As per FIR, allegations were that when the match was over and the spectators were going from the spot, the persons,

namely, Jagpreet Singh and Harisharan Singh @ Harsharan Singh were having revolver and they started making *lalkaras*. Harishran Singh @ Harsharan Singh fired three shots in the air. The FIR was lodged by respondent No.2. Now the parties have amicably settled the issue.

Vide order dated 18.12.2017, parties were directed to appear before the Illaqa Magistrate/trial Court and the Illaqa Magistrate/trial Court 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, Gidderbaha, after recording statements of the parties has reported that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

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. 85 dated 9.11.2016 registered

under Section 336 IPC at Police Station Kotbhai District Sri Mukatsar Sahib (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

Petition stands disposed of.

February 22, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No