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

**CRM-M No.42516 of 2016
Date of Decision: 16.01.2018**

Janak Raj

.....Petitioner

Vs

State of Punjab and others

.....Respondents

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

Present: Mr. K.R. Dhawan, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl., AG, Punjab.

Mr. Karamveer Singh, Advocate
for respondents No.2 and 3.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.52 dated 10.05.2016 registered under Sections 3 and 4 of the Schedule Cast and Schedule Tribes (Prevention of Atrocities) Act at Police Station Cant Ferozepur as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner submits that respondent No.2/complainant routed his complaint through

respondent No.3 who was working as General Manager in Punjab Roadways, Ferozepur at the relevant time. Now respondent No.2 stands retired. Complainant Prem Singh has entered into compromise with accused/petitioner.

Vide order dated 23.12.2016, parties were directed to appear before trial Court/Illaq Magistrate and the trial Court/ Magistrate was directed to record their statements and submit its report qua the genuineness of the compromise effected between the parties.

Statement of complainant/respondent No.2 has been recorded before the Judicial Magistrate Ist Class, Ferozepur on 19.01.2017 in the context of genuineness and voluntary nature of the compromise in question. Statement of the accused was also recorded to that effect.

Judicial Magistrate Ist Class, Ferozepur has also endorsed the factum of genuineness of the compromise in question. Statement of respondent No.3 could not be recorded as after his retirement, his whereabouts are not known to the learned counsel for respondents No.2 and 3. Learned counsel for respondents No.2 and 3 very candidly submits that since the statement of real complainant i.e. Prem Singh has already been recorded before the Judicial Magistrate Ist Class, Ferozepur, therefore, statement of respondent No.3 be dispensed with.

In view of facts and circumstances of the case, I deem it appropriate to take cognizance of the issue on the basis of statement of respondent No.2 which has already been recorded by the Judicial Magistrate 1st Class, Ferozepur.

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.52 dated 10.05.2016 registered under Sections 3 and 4 of the Schedule Cast and Schedule Tribes (Prevention of Atrocities) Act at Police Station Cant Ferozepur and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

January 16, 2018

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No