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

**1. CRM-M No.4313 of 2018
Date of Decision: 21.04.2018**

**Gunraj Singh and othersPetitioners
vs
State of Punjab and othersRespondents**

2. CRM-M No.49867 of 2017

**Balwinder Singh and othersPetitioners
vs
State of Punjab and othersRespondents**

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

Present: Ms. Rashleen Virk, Advocate for
Mr. A.P.S. Shergill, Advocate
for the petitioners in CRM-M No.4313 of 2018 &
for respondents No.2 and 3 in CRM-M No.49867 of 2017.

Mr. Jasraj Singh, Advocate
for the petitioners in CRM-M No.49867 of 2017 &
for respondents No.2 to 7 in CRM-M No.4313 of 2018.

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

RAJ MOHAN SINGH, J. (Oral)

[1]. Vide this common order CRM-M No.4313 of 2018 and
CRM-M No.49867 of 2017 are being disposed of as both the
petitions arise out of common controversy.

[2]. FIR No.17 dated 17.03.2014 was registered for the
offences under Sections 307, 324, 323, 148, 149 IPC against

four accused namely Gunraj Singh, Sanjeev Khurana, Baljinder Singh @ Baljit and Mukhtiar Ali. The FIR was registered at the instance of Balwinder Singh son of Kashmir Singh. During course of investigation, offence under Sections 307 IPC and Section 25 of the Arms Act were deleted vide DDR/Rapat No.41 dated 22.03.2014, Police Station Gardhiwala.

[3]. The cross case was registered by Gunraj Singh against Balwinder Singh, Parshotam Kumar, Kashmir Singh, Rakesh Kumar, Nirmala Devi and Meenu for the offences under Sections 365, 323, 324, 325, 342, 148, 149 IPC to which offence under Section 365 IPC was added on 09.07.2014.

[4]. Both the parties have effected compromise. In CRM-M No.49867 of 2017, vide order dated 18.01.2018, both the parties were directed to appear before the trial Court on 01.02.2018 for recording their respective statements in respect of genuineness of the compromise and in CRM-M No.4313 of 2018, both the parties were directed to appear before the trial Court/Illaq Magistrate on 07.02.2018 in respect of recording their statements.

[5]. In pursuance of the aforesaid orders, both the parties have already appeared on 07.02.2018 before the Judicial Magistrate Ist Class, Dasuya and have deposed in respect of

genuineness and voluntary nature of the compromise in question. Judicial Magistrate Ist Class, Dasuya has also recorded her satisfaction with regard to genuineness of the compromise in question which is without any coercion or undue influence. No accused has been declared a proclaimed offender.

[6]. 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.

[7]. 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.**

[8]. Resultantly, FIR No.17 dated 17.03.2014 registered under Sections 307, 324, 323, 148, 149 IPC (Section 307 IPC already deleted) and its cross case dated 17.03.2014 registered under Sections 365, 323, 324, 325, 342, 148, 149 IPC at Police Station Gardhiwala, District Hoshiarpur as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[9]. Both the petitions stand disposed of.

April 21, 2018

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No