

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

**CRM-M No.43235 of 2016
Date of Decision: 02.04.2018**

Baljit Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

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

Present:Mr. Dheeraj Mahajan, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Bhim Singh, Advocate for
Mr. Karan Grover, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.114 dated 15.10.2012 registered under Sections 325, 323, 34 IPC at Police Station Ghuman, Police District Batala, District Gurdaspur as well as all the subsequent proceedings arising therefrom on the basis of compromise.

After issuance of notice of motion on 02.12.2016, both the parties were directed to appear before the trial Court for recording their statements in the context of genuineness of

compromise on 05.07.2017. One of the co-accused namely Sukha could not appear before the trial Court as he was abroad. He could not get his statement recorded before Judicial Magistrate First Class on 20.07.2017 as directed by the High Court. The aforesaid fact was brought to the notice of the Court by way of miscellaneous application seeking permission to get the statement of Sukha recorded before the trial Court.

Vide order dated 21.02.2018, this Court granted permission to Sukha to appear before the trial Court on 05.03.2018. In the event of his appearance, his statement was to be recorded in relation to genuineness of the compromise in question.

As per status report, Judicial Magistrate First Class, Batala has reported that statement of Sukha has also been recorded on 05.03.2018 in respect of genuineness of compromise in question. Earlier statements of complainant Babbu and other accused were recorded on 20.07.2017 and statements were found to be genuine by the Judicial Magistrate First Class, Batala.

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.114 dated 15.10.2012 registered under Sections 325, 323, 34 IPC at Police Station Ghuman, Police District Batala, District Gurdaspur and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

April 02, 2018
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No