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

CRM-M No.42553 of 2017 (O&M)

Date of Decision: 01.05.2018

Parveen Talwar and another

.....Petitioners

Vs

State of Haryana and another

.....Respondents

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

Present: Mr. J.S. Ahluwalia, Advocate,
for the petitioners.

Mr. Satish Saini, D.A.G., Haryana.

Mr. A.S. Walia, Advocate,
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

CRM-11080-2018

For the reasons mentioned in the application, the application is allowed and the accompanying documents are taken on record.

CRM-M No.42553 of 2017 (O&M)

1. Petitioners have filed the present petition for quashing of FIR No.341 dated 06.12.2010 under Sections 420, 467, 468, 471, 506 IPC registered at Police Station Matlauda, (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

2. FIR was registered at the instance of petitioner No.2. Petitioner No.1 is an employee of petitioner No.2. The complainant party has come to the High Court for quashing of FIR on the basis of compromise.

3. Vide order dated 23.01.2018, factum of compromise was noticed by the High Court and both the parties were directed to appear before the trial Court/Illaq Magistrate on 05.02.2018 and make statements in the context of genuineness of compromise in question.

4. In pursuance of said order, both the parties appeared before the Judicial Magistrate Ist Class, Panipat and have deposed in terms of compromise. Statement of accused was recorded and similarly petitioner No.1 has deposed that the Company has entered into a compromise with the accused and has also filed a petition for quashing of FIR. The complainant has no objection for discharge of the accused in the FIR.

5. Learned State counsel submits that the case is fixed for defence evidence and arguments.

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.

8. 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.)

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9. Resultantly, FIR No.341 dated 06.12.2010 under Sections 420, 467, 468, 471, 506 IPC registered at Police Station Matlauda, (Annexure P-1) and all the subsequent proceedings arising therefrom, are quashed.

10. Petition stands disposed of.

01.05.2018
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No