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

**CRM-M No.45895 of 2016
Date of Decision: 19.01.2018**

HARNEK SINGH

.....Petitioner

Vs

STATE OF PUNJAB AND ANR.

.....Respondents

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

Present: Ms. Sukhpreet Kaur, Advocate
for the petitioner.

Mr. R.S. Thind, D.A.G., Punjab.

Mr. Munish Bhardwaj, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of FIR No.132 dated 06.12.2011 registered under Sections 420, 465, 467, 468, 471 IPC at Police Station Bhogpur, District Jalandhar City (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. Learned counsel for the petitioner submitted that lodging of the FIR was the offshoot of matrimonial discord between Rajwinder Kaur and Ikbal Singh. Thereafter vide

compromise dated 15.12.2016 all the differences were resolved. An amicable settlement was reached in which permanent alimony was settled and both the parties accepted the terms and conditions for one time settlement. Decree of divorce on the basis of compromise had already been passed by the matrimonial Court on 10.08.2017.

[3]. Both the parties were directed to appear before the trial Court vide order dated 23.12.2016 for recording their statements. Thereafter on 16.03.2017, the said order was reiterated as respondent No.2 could not appear before the trial Court. Thereafter on 04.08.2017 the date was further extended due to respondent No.2 being abroad.

[4]. Ultimately, both the parties have already appeared before the Judicial Magistrate Ist Class, Jalandhar on 10.08.2017 and have deposed in respect of genuineness and voluntary nature of the compromise in question. Judicial Magistrate Ist Class, Jalandhar has also endorsed the genuineness of the compromise vide its report..

[5]. 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.

[6]. 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.

[7]. Resultantly, FIR No.132 dated 06.12.2011 registered under Sections 420, 465, 467, 468, 471 IPC at Police Station Bhogpur, District Jalandhar City (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

January 19, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No