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

1. **CRM-M No.45027 of 2017**
Date of Decision: 30.01.2018

JAGTAR SINGH @ LADDY **.....Petitioner**
Vs
STATE OF PUNJAB AND ANR **.....Respondents**

2. **CRM-M No.45282 of 2017**

JAGTAR SINGH @ LADDY **.....Petitioner**
Vs
STATE OF PUNJAB AND ANR **.....Respondents**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Kartik Gupta, Advocate
for the petitioner.

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

Mr. Ankit Aggarwal, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. Vide this common order CRM-M Nos.45027 and 45282 of 2017 are being decided. As both the petitions arise out of common controversy, therefore, facts are being taken from CRM-M No.45027 of 2017.

[2]. Petitioner has sought quashing of Criminal Complaint No.12 dated 21.02.2013 titled '*Sukhdev Singh vs. Nishan Singh and others*' under Sections 323, 504, 506 and 34 IPC

(Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[3]. The petitioner was declared as a proclaimed person vide order dated 01.07.2016 passed by the Sub-Divisional Judicial Magistrate, Mukerian under Section 82 Cr.P.C. Thereafter vide judgment dated 13.12.2016, the co-accused were released on probation by the Sub-Divisional Judicial Magistrate, Mukerian after convicting them for the offences under Sections 323, 506 IPC.

[4]. Petitioner has surrendered before the Court and vide order dated 07.11.2017 passed by the Addl. Sessions Judge, Hoshiarpur. his bail bonds/surety bonds were accepted by the Sub-Divisional Judicial Magistrate, Mukerian vide order dated 10.11.2017. Compromise was effected between the parties on 09.10.2017 and on the basis of compromise, the petitioner has sought quashing of the criminal complaint *qua* him.

[5]. On 04.12.2017, following order was passed by the Co-ordinate Bench of this Court:-

“The petitioner is seeking quashing of criminal complaint No.12 dated 21.02.2013 under Sections 323, 504, 506 and 34 IPC, order dated 01.07.2016 passed by the SDJM, Mukerian and all subsequent proceedings arising therefrom, on the basis of compromise dated 19.11.2017, which has been arrived at between the parties.

Learned counsel for the petitioner contends that the complaint is outcome of a sudden fight between the residents of the same village. The matter has now been compromised.

Issue notice to the respondents.

Mr. Ankit Aggarwal, Advocate puts in appearance on behalf of respondent No.2 and states that the matter has indeed been compromised.

List on 20.12.2017.

In the meantime, the parties are directed to appear before Illaqa Magistrate/trial Court on 07.12.2017. The Illaqa Magistrate/trial Court shall record their statements with regard to the genuineness of the compromise as to whether the compromise has been effected between the parties without any undue influence or coercion and send the report to this Court before the next date of hearing.

A photocopy of this order be placed in the connected file.”

[6]. In pursuance of the aforesaid order, both the parties have already appeared and recorded their statements before the Sub-Divisional Judicial Magistrate, Mukerian on 07.12.2017 and have deposed in respect of genuineness and voluntary nature of the compromise in question. Sub-Divisional Judicial Magistrate, Mukerian has also endorsed the genuineness of the compromise vide its report dated 08.12.2017.

[7]. 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.

[8]. 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.**

[9]. Resultantly, Criminal Complaint No.12 dated 21.02.2013 titled '*Sukhdev Singh vs. Nishan Singh and others*' under Sections 323, 504, 506 and 34 IPC (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed *qua* the petitioner only.

[10]. Both the petitions stand disposed of.

January 30, 2018

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Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No