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

CRM-M No.46568 of 2017

Date of Decision: 17.01.2018

Nirmal Singh and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

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

Present:Mr. G.S. Punia, Sr. Advocate with
Mr. P.S. Punia, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. G.S. Bains, Advocate
for respondents No.2 and 3.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.99 dated 19.09.2013 registered under Sections 353, 186, 506, 147, 149 IPC at Police Station Amloh, District Fatehgarh Sahib as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Learned Senior Counsel for the petitioners has placed on record copy of compromise dated 27.09.2017, whereby the parties have settled their differences for the betterment of whole

village. FIR was registered at the instance of respondent No.2 Kulwant Singh, Panchayat Secretary. The compromise was signed by both the parties and was witnessed by the witnesses. Respondent No.2/Kulwant Singh, Panchayat Secretary and Block Development & Panchayat Officer, Fatehgarh Sahib/respondent No.3 have also endorsed the factum of compromise.

Learned counsel for respondents No.2 and 3 has also placed on record affidavits of respondents No.2 as well as of Parminder Kaur BDPO, Amloh in support of aforesaid compromise. The affidavits are taken on record as Annexures P9 and P10 in continuation of Annexures already on record.

Offence under Section 186 is the aggravated offence of Section 353 IPC and the same is non-cognizable in nature. Similarly, offence under Section 506 IPC is also non-cognizable.

Taking into entirety of the facts and circumstances of the case, this Court is of the opinion that the compromise in question would go in a long way for betterment of entire village community. This Court is satisfied that the compromise is genuine.

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.

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.99 dated 19.09.2013 registered under Sections 353, 186, 506, 147, 149 IPC at Police Station Amloh, District Fatehgarh Sahib and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

January 17, 2018

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No