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

CRM-M No.46785 of 2017

Date of Decision: 18.01.2018

Gurjant Singh

.....Petitioner

Vs

State of Punjab and another

.....Respondents

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

Present:Mr. L.S. Sidhu, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. D.S. Sidhu, Advocate
for respondents No.2 and 3.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.117 dated 14.11.2017 registered under Sections 279/337/338/427 IPC at Police Station Cantt, Ferozepur as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Vide order dated 08.12.2017, both the parties were directed to appear before the Trial Court/Area Judicial Magistrate for making statements in the context of genuineness

of the compromise. On that day, Mr. D.S. Sidhu, Advocate representing respondents No.2 and 3 made a statement that respondents No.2 and 3 have effected compromise with the petitioner. Thereafter, statements of the parties were recorded before the Judicial Magistrate First Class on 19.12.2017. Statement of complainant Love @ Lovepreet was recorded, wherein he admitted the genuineness and voluntary nature of the compromise. Statement of the accused/petitioner was also recorded to the same effect. Statement of respondent No.3 was not recorded as the FIR was registered at the instance of respondent No.2.

Today, learned counsel for respondents No.2 and 3 further endorsed the factum of compromise. He stated at the bar that the FIR in question be quashed on the basis of compromise as respondent No.3 is fully satisfied with the compromise in question.

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.117 dated 14.11.2017 registered under Sections 279/337/338/427 IPC at Police Station Cantt, Ferozepur and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

January 18, 2018

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No