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

Date of Decision: 09.01.2018

1. CRM-M No.6935 of 2016

Amarjit Rai and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

2. CRM-M No.7126 of 2016

Sunil @ Soni Kansal and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

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

Present: Mr. Ashok Goel, Advocate

for the petitioners in CRM-M No.6935 of 2016 and
for respondent No.2 to 4 in CRM-M No.7126 of 2016.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Manoj Pundir, Advocate

for the petitioners in CRM-M No.7126 of 2016 and
for respondents No.2 to 6 in CRM-M No.6935 of 2016.

RAJ MOHAN SINGH, J. (Oral)

Vide this common order, CRM-M No.6935 of 2016 titled
Amarjit Rai and others Vs. State of Punjab and others and
CRM-M No.7126 of 2016 titled Sunil @ Soni Kansal and others
Vs. State of Punjab and others are being decided.

Prayer in CRM-M No.6935 of 2016 is for quashing of
FIR No.2 dated 05.01.2016 registered under Sections 326,

323, 34 IPC at Police Station Jaiton, District Faridkot as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Prayer in CRM-M No.7126 of 2016 is for quashing DDR No.32 dated 24.11.2015 registered under Sections 323, 34 IPC at Police Station Jaiton, District Faridkot arising out of FIR No.2 dated 05.01.2016 registered under Sections 326, 323, 34 IPC at Police Station Jaiton, District Faridkot as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Since origin of both the FIR and DDR is the same, therefore, both the parties have entered into amicable settlement in order to live in peace and harmony. A compromise dated 18.01.2016 is being pressed into service for quashing of aforesaid FIR and DDR.

Vide order dated 26.02.2016 in CRM-M No.6935 of 2016 and order dated 29.02.2016 in CRM-M No.7126 of 2016, parties were directed to appear before the trial Court and the trial Court was directed to record their statements and submit its report qua the genuineness of the compromise effected between the parties.

In pursuance of said order, Sub Divisional Judicial Magistrate, Jaitu, after recording statements of the parties, has

reported that the compromise effected between the parties is genuine, voluntary and without any undue influence and coercion.

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.2 dated 05.01.2016 registered under Sections 326, 323, 34 IPC at Police Station Jaiton, District Faridkot and DDR No.32 dated 24.11.2015 registered under Sections 323, 34 IPC at Police Station Jaiton, District Faridkot arising out of FIR No.2 dated 05.01.2016 registered under Sections 326, 323, 34 IPC at Police Station Jaiton, District Faridkot as well as all the subsequent proceedings arising therefrom, are quashed.

Petitions stand disposed of.

January 09, 2018
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No