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

CRM-M No. 49598 of 2017
Date of Decision: 25.01.2018

Hardeep Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Deepak Aggarwal, Advocate,
for the petitioners.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr. Nipun Gupta, Advocate, for
Mr. Sandeep Sharma, Advocate,
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.168 dated 20.10.2016 registered under Sections 420, 467, 468, 471 IPC at Police Station Canal Colony Bathinda, District Bathinda (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Allegations were made against the accused that he was working in M/s Tara Automobile, Bathinda and was instrumental in providing false registration number on the Swift car purchased by the complainant after taking an amount of

Rs.80,000/-. The registration was found to be scanned and fake one and consequently, the FIR in question was registered. Despite registration of FIR on 20.10.2016, the police has not completed the investigation and no report under Section 173 Cr.P.C. was filed.

During the intervening period, the parties have amicably resolved their differences.

On 22.12.2017, both the parties were directed to appear before the trial Court/Illaq Magistrate to get their statements recorded in the context of genuineness of compromise in question. Both the parties have appeared before the Additional Chief Judicial Magistrate, Bathinda on 29.12.2017 and have deposed in the context of genuineness and voluntary nature of compromise.

The Additional Chief Judicial Magistrate, Bathinda vide endorsement dated 30.12.2017 has recorded the following satisfaction:-

“1. It is submitted that FIR No.168 of 20.10.2016, under Sections 420, 467, 468, 471 of the IPC, Police Station Canal Colony, Bathinda was registered against one accused namely Hardeep Singh on the statement of complainant Gurpreet Singh. The compromise has been effected in this case.

2. No accused is proclaimed offender in this case.

3. It is further submitted that statements of complainant as well as accused have been recorded and from their statements it is clear that the compromise is genuine, voluntarily and without any coercion or undue influence.”

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.168 dated 20.10.2016 registered under Sections 420, 467, 468, 471 IPC at Police Station Canal Colony Bathinda, District Bathinda (Annexure P-1) and all the subsequent proceedings arising therefrom, are quashed.

Petition stands disposed of.

January 25, 2018
jyoti

(RAJ MOHAN SINGH)
JUDGE

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