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

CRM-M No. 825 of 2017

Date of Decision: 26.02.2018

Shamsher Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Sanjeev Majra, Advocate,
for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

Mr. Arun Luthra, Advocate,
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

1. Prayer in this petition is for quashing of FIR No.350 dated 21.09.2016 registered under Sections 387, 393, 452, 506 IPC at Police Station Civil Line, District Kaithal (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

2. Vide order dated 13.01.2017, parties were directed to appear before the Illaqa Magistrate and the Illaqa Magistrate was directed to record their statements and submit its report qua the genuineness of the compromise effected between the parties.

3. Joint statement of the parties was recorded by the Judicial Magistrate Ist Class, Kaithal on 18.01.2017. The factum of compromise dated 16.12.2016 was duly endorsed in the aforesaid joint statement made by the parties.

4. The Judicial Magistrate Ist Class, Kaithal vide report dated 18.01.2017 also recorded its satisfaction that the compromise has been voluntarily made without any coercion or undue influence and the same is genuine.

5. On 17.11.2017, on finding illegible copy of statement of the parties, directions were issued to the Court below to send original statement of the parties in a sealed cover. Compliance was done by the trial Court and joint statement of the parties was sent in a sealed cover.

6. Today, sealed cover has been opened in Court and original joint statement of the parties has been perused. This Court is satisfied that the parties have amicably resolved their differences by way of entering into a compromise and thereafter, made joint statement before the Judicial Magistrate Ist Class, Kaithal on 18.01.2017.

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.

9. 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.**

10. Resultantly, FIR No.350 dated 21.09.2016 registered under Sections 387, 393, 452, 506 IPC at Police Station Civil Line, District Kaithal (Annexure P-1) and all the subsequent proceedings arising therefrom, are quashed.

11. Petition stands disposed of.

12. Original statement sent by Judicial Magistrate Ist Class, Kaithal be sent back to the concerned Court and be tagged with the original record.

26.02.2018
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No