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

CRM-M No.9967 of 2017

Date of Decision: 08.01.2018

Munish Sandhu and another

.....Petitioners

Vs

State of Punjab and another

.....Respondents

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

Present:Mr. Vivek Singla, Advocate for
Mr. Vivek Salathia, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Vikas Gupta, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.61 dated 13.02.2017 registered under Sections 323, 324, 341, 34 IPC at Police Station Civil Lines, Amritsar as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Vide order dated 23.03.2017, parties were directed to appear before Illaqa Magistrate/concerned Court within 15 days to get their statements recorded in the context of compromise.

Illaq Magistrate/concerned Court was directed to make a report of satisfaction in respect of genuineness of the compromise in question. Magistrate was also directed to inform whether any of the party to the petition has been declared as proclaimed offender or not? In compliance of said order, a report has been received from the Chief Judicial Magistrate, Amritsar endorsing the genuineness of the compromise in question. No party to the petition has been declared as proclaimed offender. The compromise has been effected in a *bona fide* manner without there being any pressure or undue influence. Statements of the complainant as well as accused were recorded by the Chief Judicial Magistrate on 29.03.2017 to the effect that they have effected a valid compromise without any pressure or coercion. The said compromise was also authenticated by HC Rajesh Kumar whose statement was also recorded by the Chief Judicial Magistrate on 12.04.2017.

Having perused the material on record, this Court is of the opinion that in view of compromise on record, chances of ultimate conviction of the accused are remote and bleak. 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 just and appropriate to exercise extraordinary jurisdiction 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. The offences in question are personal in nature and do 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 interest 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 the same, but in order to prevent unnecessary continuation of criminal proceedings, 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.61 dated 13.02.2017 registered under Sections 323, 324, 341, 34 IPC at Police Station Civil Lines, Amritsar and all the subsequent proceedings arising therefrom, are quashed.

January 08, 2018
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(RAJ MOHAN SINGH)
JUDGE

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