

276**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M No.8747 of 2018****Date of Decision: 27.04.2018****Sarabjeet Singh and another****.....Petitioners****Vs****State of Punjab and another****.....Respondents****CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Munish Rai, Advocate
for Mr. Arunjeet Singh Kakkar, Advocate
for the petitioners.

Mr. R.S. Thind, D.A.G., Punjab.

Mr. Vivek Singla, Advocate
for respondent No. 2.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of FIR No.353 dated 28.10.2017 registered under Sections 279, 337 & 338 of IPC at Police Station City Barnala, District Barnala (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. Vide order dated 28.02.2018, both the parties were directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements in respect of compromise.

[3]. In pursuance of said order, both the parties have already appeared before the Judicial Magistrate 1st Class, Barnala, who has

sent a report to this Court with reference to the statements made by the parties endorsing the factum of compromise. The compromise was found to be genuine and voluntary in nature.

[4]. 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.

[5]. 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.**

[6]. Resultantly, FIR No.353 dated 28.10.2017 registered under Sections 279, 337 & 338 of IPC Police Station City Barnala, District Barnala (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

27th April, 2018

shabha

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No