

281

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

1. **CRM-M No.9160 of 2018**
Date of Decision: 26.04.2018

Pamma @ Pappu @ Balbir and others
.....Petitioners

Vs

State of Punjab and others **.....Respondents**

2. **CRM-M No.9071 of 2018**

Surjit @ Sita and others
.....Petitioners

Vs

State of Punjab and others **.....Respondents**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Kamal Narula, Advocate
for the petitioners in CRM-M No.9160 of 2018 &
for respondents No.2 to 4 in CRM-M No.9071 of 2018.

Mr. Munish Gulati, Advocate
for the petitioners in CRM-M No.9071 of 2018 &
for respondents No.2 and 3 in CRM-M No.9160 of
2018.

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

RAJ MOHAN SINGH, J. (Oral)

[1]. Vide this common order CRM Nos.9160 and 9071 of 2018 are being disposed of as both the petitions arise out of common controversy.

[2]. In CRM-M No.9160 of 2018, prayer has been made for

quashing of FIR No.115 dated 27.05.2016 registered under Sections 323/148/149 IPC at Police Station City Ferozepur, District Ferozepur (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[3]. In CRM-M No.9071 of 2018, prayer has been made for quashing of DDR No.24 dated 28.05.2016 registered under Sections 325/323/34 IPC in FIR No.115 dated 27.05.2016 registered under Sections 323/148/149 IPC at Police Station City Ferozepur, District Ferozepur (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[4]. In both the cases, vide order dated 09.03.2018, parties were directed to appear before the trial Court/*Ilalaqa* Magistrate on 06.04.2018 or any other date fixed by the Court for recording their respective statements in respect of settlement arrived at between the parties.

[5]. In pursuance of the aforesaid order, both the parties have already appeared on 11.04.2018 before the Chief Judicial Magistrate, Ferozepur and have deposed in respect of genuineness and voluntary nature of the compromise in question. The Chief Judicial Magistrate, Ferozepur has also endorsed the factum of genuineness of the compromise and

also testified that the compromise in question has been entered into between the parties voluntarily and the same is valid and genuine vide its report dated 17.04.2018.

[6]. 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.

[7]. 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.**

[8]. Resultantly, FIR No.115 dated 27.05.2016 registered under Sections 323/148/149 IPC & DDR No.24 dated 28.05.2016 registered under Sections 325/323/34 IPC at Police Station City Ferzoeapur, District Ferozepur (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[9]. Both the petitions stand disposed of.

April 26, 2018

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No