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

**CRM-M No.970 of 2018
Date of Decision: 15.03.2018**

KAMALPREET SINGH & ORS

.....Petitioners

Vs

STATE OF PUNJAB & ANR

.....Respondents

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

Present: Mr. Veneet Sharma, Advocate
for the petitioners.

Mr. Sandeep Kumar, D.A.G., Punjab.

Ms. Pridhi Jaswinder Sandhu, Advocate for
Mr. Rajat Malhotra, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of FIR No.157 dated 18.09.2017 registered under Sections 465, 467, 468, 471, 120-B IPC at Police Station Haibowal, District Ludhiana (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. This Court vide order dated 11.01.2018, directed both the parties to appear before the *Ilqa* Magistrate on 24.01.2018

for recording their respective statements in respect of genuineness of the compromise in question.

[3]. In pursuance of the aforesaid order, both the parties have appeared before the Judicial Magistrate Ist Class, Ludhiana on the date fixed and have deposed in the context of genuineness and voluntary nature of the compromise in question. Statement of complainant Kishore Pandurang Sahni authorized representative of M/s Borosil Glass Works Limited has been recorded in respect of genuineness of the compromise in question and he stated before the Court that complainant does not want to pursue the FIR any more as lawful compromise has been entered into between the parties. The said statement of fact was duly supplemented by the accused namely Kamalpreet Singh, Rajwinder Kaur and Nar Bahadur Singh.

[4]. After recording the statements, the Judicial Magistrate Ist Class, Ludhiana has submitted its report dated 24.01.2018 endorsing the voluntary nature of compromise which has been recorded without any undue pressure and coercion.

[5]. 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.

[6]. 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.

[7]. Resultantly, FIR No.157 dated 18.09.2017 registered under Sections 465, 467, 468, 471, 120-B IPC at Police Station Haibowal, District Ludhiana (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

March 15, 2018

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No