

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

209/2

CRM-M No. 595 of 2020

Date of Decision: 04.02.2020

TANUJ KAUSHAL AND ANR

.....Petitioners

Vs

STATE OF HARYANA AND ANOTHER

.....Respondents

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

Present: Mr. Mohan Singh Rana, Advocate
for the petitioners.

Mr.Anmol Malik, AAG, Haryana.

Mr.Sandeep Bhardwaj, Advocate
for respondent No.2./ complainant.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No. 582 dated 18.12.2019 registered under Sections 34, 427, 435, 506 IPC at Police Station 5, Panchkula, District Panchkula (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise dated 21.12.2019.

On 9.1.2020, while issuing notice of motion, following order was passed by this Court:-

“Learned counsel for the petitioners while referring to Annexure P-2 has contended that a compromise has been effected between the parties

and prayed for quashing of FIR No. 582 dated 18.12.2019 registered under Sections 427, 435, 506 read with Section 34 of the Indian Penal Code, 1860 at Police Station Sector 5, Panchkula and all subsequent proceedings arising therefrom.

Notice of motion.

On the asking of the Court, Mr. Arjun Singh Yadav, Asstt. A.G., Haryana accepts notice on behalf of respondent No.1-State.

At this stage, Mr. Gaurav Sharma, Advocate has appeared and filed his power of attorney on behalf of respondent No.2 and has admitted the factum of compromise.

Copies of the paper book have been supplied to the learned Counsel for the respondents.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 16.01.2020 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing i.e. 04.02.2020 containing the following information:-

1.Number of persons arrayed as accused in

FIR.

2. Whether any accused is proclaimed offender.

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

4. Whether the accused persons are involved in any other case or not.

5. Current stage of the case.

The trial Court is further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

Trial Court/Illaqā Magistrate is also directed to send the report in time so as to reach this Court before the date of hearing fixed.”

In pursuance of the aforesaid order, both the parties have appeared before the trial Court. After recording statements of the parties, the trial Court has submitted its report dated 21.1.2020 to the effect that both the parties have amicably settled their differences and the compromise has been effected out of their free will. As per the report, the parties have validly compromised the dispute without there being any undue influence or pressure. The Court has also verified that there are only two accused persons in the FIR. Even learned counsel for

the complainant- respondent No.2 states that there are only two accused persons in this case and the reference of two un-known persons in the FIR is unfounded and the complainant does not wish to take any action against any one on account of this compromise. Reference in respect of involvement of accused Manil Mongia in two FIRs and involvement of accused Tanuj Kaushal in one FIR is not relatable to the present case, which has been compromised between the parties.

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.

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.**

Resultantly, FIR No. 582 dated 18.12.2019 registered under Sections 34, 427, 435, 506 IPC at Police Station 5, Panchkula, District Panchkula (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

Petition stands disposed of.

February 04, 2020

anita

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No