

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

267

**CRM-M No. 1354 of 2020
Date of Decision: 7.2.2020**

ACHHRA SINGH

.....Petitioner

Vs

STATE OF PUNJAB AND ANOTHER

.....Respondents

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

Present: Mr. Navjeet Singh, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.28 dated 18.2.2003 registered under Sections 323, 458, 506, 34 IPC at Police Station Payal Police District Khanna, District Ludhiana (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 8.1.2020 (Annexure P-5).

On 15.1.2020, following order was passed by this Court:-

“Present petition is for quashing of FIR No.28 dated 18.02.2003 under Sections 323, 458, 506, 34 IPC, registered at Police Station Payal, Police District Khanna, District Ludhiana, on the basis of compromise alongwith all other consequent

proceedings.

Notice of motion.

Mr. Mandhir Singh Virk, Advocate, has put in appearance on behalf of respondent No.2 and filed his Power of Attorney.

On asking of the Court, Mr. Ramdeep Partap Singh, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent State. Complete copy of paper book be supplied to him during the course of the day.

Let the parties appear before the trial Court/Area Judicial Magistrate on 24.01.2020 for getting their statements recorded with regard to the compromise. The learned trial Court is directed to indicate (i) how many total accused are facing the trial, (ii) whether any of the accused was declared proclaimed offender at any stage of trial (iii) status/stage of the trial/case, (iv) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (v) to send its report to this Court through District and Sessions Judge, before the next date of hearing.

Adjourned to 07.02.2020.”

There were three accused, namely, petitioner Achhra Singh, Jasjit Singh and Nardeep Singh. Petitioner and Jasjit Singh were declared as proclaimed offenders/ persons.

Co-accused Nardeep Singh filed CRM-M No. 24623 of 2012 for quashing of the aforesaid FIR on the basis of compromise dated 3.7.2012. The said petition was allowed vide order dated 26.9.2012 and FIR in question was quashed along with all the subsequent proceedings undertaken in pursuance thereof.

Co-accused Jasjit Singh filed CRM-M No. 28101 of 2016 for quashing of the aforesaid FIR on the basis of compromise dated 23.7.2016. The said petition was allowed vide order dated 8.12.2016 and FIR in question was quashed along with all the consequential proceedings.

Petitioner has also appeared before the Court in pursuance of order dated 15.1.2020. The statements of the parties have been recorded by the Sub Divisional Judicial Magistrate, Payal. The Court has endorsed the factum of compromise to be genuine, voluntarily and without any pressure or coercion.

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.28 dated 18.2.2003 registered under Sections 323, 458, 506, 34 IPC at Police Station Payal Police District Khanna District Ludhiana (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

Petition stands disposed of.

February 07, 2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No