

265

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

CRM-M No.1787 of 2019

Date of Decision: 03.02.2020

PARDEEP KUMAR AND ORS

.....Petitioners

Vs

STATE OF PUNJAB AND ORS

.....Respondents

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

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

Mr. J.S. Ghumman, D.A.G., Punjab.

Mr. Manjit Singh, Advocate for
Mr. Kunal Vinayak, Advocate
for respondents No.2 and 3.

RAJ MOHAN SINGH, J. (Oral)

[1]. By way of present petition, the petitioners seek quashing of FIR No.8 dated 21.01.2017 registered under Sections 447, 427, 323, 511, 148, 149 IPC (Sections 324 and 326 IPC added later on) at Police Station Chattiwind, Amritsar (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. Vide order dated 17.01.2019, notice of motion was issued and the parties were directed to appear before Illaqa

Magistrate/trial Court on 12.02.2019 for recording their statements in terms of settlement arrived at between them. The Magistrate was directed to submit report with regard to authenticity and genuineness of the compromise. The Magistrate was also directed to furnish report qua any other accused other than the petitioners and any other complainant or affected/aggrieved party other than the respondents arrayed in the petition.

[3]. In pursuance of aforesaid order dated 17.01.2019, a report dated 08.04.2019 has been received from the Judicial Magistrate, 1st Class, Amritsar after recording statements of the parties. As per report, the Court has verified that the parties have entered into a compromise and their statements to that effect have been recorded. The matter has been amicably settled without any pressure. The complainants have voluntarily without any pressure endorsed the factum of compromise. The Court vide its report has also recorded its satisfaction that the matter has been settled amicably, voluntarily and without any pressure or coercion. The Court has also reported that there was another accused Kuldeep Kumar, who was challaned by the police initially, but later on he was declared innocent by the police vide report under Section 173(8) Cr.P.C. The same is pending in Court. There is no other complainant or affected

party other than the complainants in the present case.

[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.8 dated 21.01.2017 registered under Sections 447, 427, 323, 511, 148, 149 IPC (Sections 324 and 326 IPC added later on) at Police Station Chattiwind, Amritsar (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

February 03, 2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No