

261

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

Date of Decision: 29.01.2020

1. CRM-M No.10459 of 2019(O&M)

Sukhdeep Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

2. CRM-M No.10441 of 2019(O&M)

Tarsem Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Harsimran Preet Singh, Advocate
for the petitioners in CRM-M No.10459 of 2019 and
for respondent No.2 in CRM-M No.10441 of 2019.

Mr. Abhishek Jhamb, Advocate for
Mr. Shiv Kumar Sharma, Advocate
for the petitioners in CRM-M No.10441 of 2019 and
for respondent No.2 in CRM-M No.10459 of 2019.

Mr. J.S. Ghumman, AAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

[1]. Vide this common order, CRM-M No.10459 of 2019
titled Sukhdeep Singh and others Vs. State of Punjab and

another and CRM-M No.10441 of 2019 titled Tarsem Singh and others Vs. State of Punjab and another are being disposed of.

[2]. The aforesaid cases have arisen from version i.e. FIR No.87 dated 17.05.2018 registered under Sections 452, 323, 341, 427, 506, 148, 149 IPC at Police Station Dinanagar, Tehsil Dinanagar, District Gurdaspur and cross-version i.e. General Dairy (GD) No.51 dated 07.06.2018 registered under Sections 325, 323, 341, 148, 149 IPC in the aforesaid FIR. The FIR was registered at the instance of Kulwant Singh i.e. complainant/respondent No.2 in CRM-M No.10459 of 2019 and cross-version was registered at the instance of Veer Singh @ Veeru i.e. complainant/respondent No.2 in CRM-M No.10441 of 2019. Both the parties have amicably resolved their differences.

[3]. Vide order dated 07.03.2019 passed in CRM-M No.10459 of 2019, both the parties were directed to appear before the Illaga Magistrate/Duty Magistrate for recording their statements in the context of genuineness of the compromise in question. Similar order was passed in CRM-M No.10441 of 2019 on 07.03.2019 itself.

[4]. In pursuance of aforesaid orders, both the parties have appeared before Judicial Magistrate First Class, Gurdaspur and have deposed in respect of genuineness of the compromise in

question. The Court has also recorded statement of Investigating Officer. After recording statements of the parties, the Court has also endorsed that the compromise is genuine. Neither any accused is proclaimed offender, nor any proclamation proceeding is pending against them.

[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, version i.e. FIR No.87 dated 17.05.2018 registered under Sections 452, 323, 341, 427, 506, 148, 149 IPC at Police Station Dinanagar, Tehsil Dinanagar, District Gurdaspur and cross-version i.e. General Dairy (GD) No.51 dated 07.06.2018 registered under Sections 325, 323, 341, 148, 149 IPC in the aforesaid FIR as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Both the petitions stand disposed of.

29.01.2020

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No