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

1. CRM No.3330 of 2020 in/and
CRM-M No.16758 of 2019
Date of Decision: 28.01.2020

BINDER SINGH @ BABBUPetitioner
Vs
STATE OF PUNJAB AND ANRRespondents

2. CRM No.3260 of 2020 in/and
CRM-M No.17209 of 2019

BINDER SINGH @ BABBUPetitioner
Vs
STATE OF PUNJAB AND ANRRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Aman Dhir, Advocate
for the non-applicant/petitioner.

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

Mr. Ishan Gupta, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

**CRM No.3300 of 2020 in CRM-M No.16758 of 2019 and
CRM No.3260 of 2020 in CRM-M No.17209 of 2019**

For the reasons mentioned in the applications, same
are allowed.

Accompanying documents i.e. affidavit of respondent
No.2 Nirmal Singh (Annexure A-1) is taken on record.

Main case(s)

[1]. Vide this common order, CRM-M No.16758 of 2019 and CRM-M No.17209 of 2019 are being decided. Since both the petitions involve similar controversy, therefore, for brevity common facts are being culled out from CRM-M No.16758 of 2019.

[2]. In CRM-M No.16758 of 2019, petitioner seeks quashing of FIR No.20 dated 18.02.2011 registered under Sections 406, 420, 34 IPC at Police Station Kotbhai District Sri Muktsar Sahib and in CRM-M No.17209 of 2019 petitioner seeks quashing of impugned order dated 22.01.2013 passed by the Sub-Divisional Judicial Magistrate, Gidderbaha, vide which the petitioner was declared as proclaimed offender in the aforesaid FIR.

[3]. While issuing notice of motion on 20.05.2019 in CRM-M No.16758 of 2019, it was recorded that the parties have settled the dispute. Co-accused have been acquitted on the basis of compromise. The tractor in question has already been returned to the complainant party.

[4]. Now an affidavit of respondent No.2-Nirmal Singh dated 02.08.2019 has been filed, wherein he has deposed in the following manner:-

"1. That I had registered one case No.20 dated 18/2/2011 u/s 406, 420, 34 IPC regarding the tractor in Police Station Kotbhai Tehsil

Gidderbaha District Sh. Muktsar Sahib, in the above mentioned case I was plaintiff.

2. *That I state on oath that in the above mentioned case compromise had been settled earlier in the presence of influential persons with Lakhpreet Singh @ Lakha etc. at which I had been satisfied. And I had withdrawn my case on the basis of compromise. In which Binder Singh @ Babbu s/o Balvir Singh presently resident of Kotbhai Tehsil Gidderbaha had been declared P.O. in the above mentioned case and I was not having any information of this.*
3. *That today in the presence of the influential persons give and take and our hostility with each other had ended on which basis there has remained no give and take and quarrel of mine with above mentioned Binder Singh @ Babbu s/o Balvir Singh resident of Kotbhai and if on the basis of this above mentioned compromise is Binder Singh @ Babbu is exonerated from the Court then there will be no objection to me. Because I have been satisfied. I after today will not take any action against above mentioned Binder Singh @ Babbu in police station or Court.”*

[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]. Since the affidavit of respondent No.2 has come on record endorsing the factum of compromise, therefore, both the petitions are disposed of in terms of the aforesaid compromise. Consequently, FIR No.20 dated 18.02.2011 registered under Sections 406, 420, 34 IPC at Police Station Kotbhai District Sri Muktsar Sahib is quashed and the consequent order dated 22.01.2013 passed by the Sub-Divisional Judicial Magistrate, Gidderbaha is set aside.

January 28, 2020

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No