

214

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

**CRM-M No.27503 of 2020(O&M)
Date of Decision: 30.10.2020**

Rakesh Kumar and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

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

Present:Mr. Tarun Singla, Advocate
for the petitioners.

Mr. SPS Tinna, Add., AG, Punjab.

Mr. Gagandeep Singh Simble, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. The case has been taken up for hearing through video-conferencing.

[2]. Prayer in this petition is for quashing of FIR No.27 dated 02.02.2020 registered under Sections 420, 120-B IPC at Police Sation Kotwali Bathinda District Bathinda as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[3]. In compliance of order dated 11.09.2020, both the

parties have appeared before the Judicial Magistrate First Class. The Court has recorded their statements and found the compromise to be genuine. The compromise has been found to be voluntarily recorded without there being any pressure, coercion or undue influence. Three accused/petitioners are involved in the case. None of them has been declared as proclaimed offender.

[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.27 dated 02.02.2020 registered under Sections 420, 120-B IPC at Police Sation Kotwali Bathinda District Bathinda as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

30.10.2020

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No