

259

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

**CRM-M No.51506 of 2018
Date of Decision: 17.01.2020**

Manmohan Singh

.....Petitioner

Vs

State of Punjab and others

.....Respondents

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

Present: Mr. S.S. Khaira, Advocate
for the petitioners.

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

Ms. Gagandeep Kaur, Advocate
for respondent No.4.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of FIR No.135 dated 16.10.2018 registered under Sections 323, 324 and 506 IPC (Annexure P-1) at Police Station Anandpur Sahib District Rupnagar as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. Vide order dated 11.03.2019, both the parties were directed to appear before the *Ilqa* Magistrate/trial Court for recording their respective statements in respect of genuineness

of the compromise in question.

[3]. In pursuance of the aforesaid order, both the parties have already appeared on 22.04.2019 before the Sub-Divisional Judicial Magistrate, Sri Anandpur Sahib and have deposed in respect of genuineness and voluntary nature of the compromise in question. The Court after recording their statements has submitted its report dated 24.04.2019 to the following effect:-

- “1. The statements of the parties are bonafide. These are not the result of any pressure or coercion.*
- 2. The compromise effected between the parties is genuine and valid.*
- 3. There is one accused in this case namely Manmohan Singh son of Himmat Singh, who is petitioner before the Hon'ble High Court. There is one injured in this case i.e. first informant namely Rohit Kumar son of Ram Kishore, who is respondent No.4 before the Hon'ble High Court. There is no other accused injured or informant in this case.*
- 4. There is no other case pending either between the accused or first informant or against the accused or the first informant, as per information submitted by I.O. SI Kashmir Singh No.279/R, P.S. Sri Anandpur Sahib.*
- 5. None of the persons involved in this case/dispute have been been declared proclaimed person, as*

per the information submitted by the I.O. SI Kashmir Singh.

6. *The petitioner before the Hon'ble High Court is not a previous convict, as per the information submitted by I.O. SI Kashmir Singh."*

[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.135 dated 16.10.2018 registered under Sections 323, 324 and 506 IPC (Annexure P-1) at Police Station Anandpur Sahib District Rupnagar as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

January 17, 2020

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No