

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

**CRM-M No.26185 of 2020(O&M)
Date of Decision:16.11.2020**

Narinder Singg and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

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

Present:Mr. Pankaj Garg, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Ms. Sukriti Singla, Advocate
for respondents No.2 to 8.

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.81 dated 01.09.2019 registered under Sections 458, 323, 506, 148, 149 IPC at Police Station Sadar Rupnagar District Rupnagar as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[3]. Vide order dated 04.09.2020, both the parties were

directed to appear before the Illaqa Magistrate/trial Court for recording their statements in the context of genuineness of the compromise in question.

[4]. According to the report submitted by the JMIC, Rupnagar, all the parties except complainant Harjinder Singh (who has died) appeared before the Court and their joint statement was recorded by the Court. Similarly, joint statement of the accused persons was also recorded on 10.09.2020. The Court has also observed that the compromise has been voluntarily executed by the parties on account of their sweet will, without any inducement and coercion. None of the accused has been declared as proclaimed offender. Learned counsel for the complainant has accepted the factum of aforesaid compromise.

[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, FIR No.81 dated 01.09.2019 registered under Sections 458, 323, 506, 148, 149 IPC at Police Station Sadar Rupnagar District Rupnagar as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

16.11.2020

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No