

256

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

CRM-M No.25131 of 2019(O&M)

Date of Decision: 07.02.2020

**Monika Rani and another Petitioners
Vs**

State of Punjab and another Respondents

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

Present:Mr. R.K. Singla, Advocate
for the petitioners.

Mr. Ramandeep Sadhu, Sr. DAG, Punjab.

Mr. Diwakar Jaiswal, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of FIR No.21 dated 10.03.2019 registered under Sections 420, 506, 34 IPC and Section 3 of Banning of Money Circulation and Prize Chits Money Act, 1978 at Police Station Dayalpura, Tehsil Phul, District Bathinda as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. Vide order dated 29.05.2019, following order was passed:-

“Notice of motion.

On the asking of the Court, Mr. A.A. Pathak, Addl. AG,

Punjab, who is present in Court, accepts notice on behalf of respondent State.

Mr. Diwakar Jaiswal, Advocate, who is present in Court, has put in an appearance on behalf of respondent No.2.

Requisite copies of the complete paper book be furnished to the learned State counsel as well as learned counsel for respondent No.2 during the course of the day.

Learned counsel for the petitioners contends that the matter has been amicably settled between the parties and compromise deed dated 24.05.2019 (Annexure P-2) executed between them.

Adjourned to 08.07.2019.

Meanwhile, parties are directed to present themselves before the Illaqa Magistrate/trial Court, Bathinda on 12.06.2019 for getting their statements recorded with regard to the factum of compromise so effected between them. The Illaqa Magistrate/trial Court, Bathinda is directed to record the statements of both the parties specifying the following:

- i) The number of accused arrayed in the FIR, how many have appeared before it, have made statements and whether any accused is absconding/P.O. in the case;*
- ii) The name of the complainant and aggrieved and whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- iii) The stage of trial/proceedings;*
- iv) If the compromise is genuine, voluntarily and out of free will of the parties.*

The Illaqa Magistrate/trial Court, Bathinda is further directed to send a report along with statements of the parties with regard to the validity or otherwise of the compromise so effected between the parties.”

[3]. In compliance of the aforesaid order, both the parties

have appeared before Judicial Magistrate First Class, Phul and the Court has reported in the following manner:-

“(i) In FIR No.21 dated 10.03.2019, two persons i.e. Subhash Chander Mittal son of Chet Ram and Monika Rani wife of Subhash Chander Mittal, residents of Bhagta Bhaika, Tehsil Phul, District Bathinda, have been arrayed as accused.

(ii) No accused is proclaimed offender in the said case.

(iii) Complainant Sushil Kumar son of Harbilas Rai son of Des Raj, resident of Bhagta Bhaika, Tehsil Phul, District Bathinda has appeared before the undersigned.

(iv) The complainant namely Sushil Kumar has made his statement that with the intervention of respectables, he has compromised the matter with the accused persons and compromise is effected with free will and without any pressure or coercion. He has further stated that he has no objection if FIR No.21 dated 10.03.2019 under Sections 420, 506, 34 IPC and 3 of Banning of Money Circulation and Prize Chits Money Act, 1978 be quashed against accused persons.

(v) Statement of accused Subhash Chand Mittal son of Chet Ram and Monika Rani wife of Subhash Chander Mittal, resident of Bhagta Bhaika, Tehsil Phul, District Bathinda was also recorded, wherein they stated that with the intervention of respectables, they have compromised the matter with the complainant with free Will and without any pressure or coercion.

(vi) Case is pending for awaiting challan.”

The Court has also reported that the above statements of parties have been recorded in the presence of their counsel and has satisfied that the compromise effected between the parties is without any pressure and the same is genuine.

[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.21 dated 10.03.2019 registered under Sections 420, 506, 34 IPC and Section 3 of Banning of Money Circulation and Prize Chits Money Act, 1978 at Police Station Dayalpura, Tehsil Phul, District Bathinda as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

07.02.2020

Prince

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No