

234

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

CRM-M No. 26195 of 2020
Date of Decision: 16.11.2020

Shaifali Sharma

-Petitioner

Vs

State of Haryana and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Satbir Singh Gill, Advocate,
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. Sukhmeet Singh, Advocate,
for respondent No.2.

RAJ MOHAN SINGH, J. (ORAL)

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

[1]. Petitioner has preferred this petition for quashing of FIR No.223 dated 13.08.2020 registered under Sections 379, 420 IPC (Annexure P-1) and all the subsequent proceedings arising in pursuance thereof on the basis of compromise.

[2]. Vide order dated 04.09.2020, both the parties were directed to appear before the Illaqa Magistrate/trial Court on 09.09.2020 for recording their statements in the context of genuineness of the compromise in question.

[3]. In pursuance to the aforesaid order, both the parties appeared before the Judicial Magistrate Ist Class, Gurugram and got their statements recorded in which they have fully endorsed the factum of compromise and stated that the compromise has been reached without any threat, inducement, pressure, coercion or undue influence.

[4]. Judicial Magistrate Ist Class, Gurugram, vide his report dated 09.09.2020, also endorsed the factum of compromise and opined that the compromise in question is genuine and voluntary in nature. There is only one accused in this case. The accused has not been declared as proclaimed offender.

[5]. The disposal of present case on the basis of compromise duly satisfies the parameters given in **Gian Singh v. State of Punjab and another, 2012(4) RCR (Criminal) 543.**

[6]. This Court is of the opinion that offence is private in nature and not against the whole society. In **Gian Singh's case** (*supra*), the Hon'ble Supreme Court has discussed in detail the inherent powers of the High Court in quashing criminal proceedings or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape, dacoity etc., as such offences are not private in nature and have serious impact on the society.

[7]. 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.

[8]. The State on notice, however, object 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 just expedient and in fitness of things to quash the proceedings on the basis of compromise.

[9]. For the reasons recorded hereinabove, I deem it appropriate to quash the FIR No.223 dated 13.08.2020 registered under Sections 379, 420 IPC (Annexure P-1) along with subsequent proceedings arisen thereof (if any), are hereby quashed.

[10]. Petition stands disposed of.

16.11.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

- | | | | |
|----|---------------------------|---|--------|
| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |