

238-A

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

CRM-M No.30720 of 2020

Date of Decision:16.11.2020

Tirath Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

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

Present:Mr. J.S. Lali, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Achin Gupta, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of DDR No.4 dated 05.05.2020 registered under Sections 324, 323, 148, 149 IPC in FIR No.40 dated 04.05.2020 registered under Sections 324/34 IPC at Police Station Sadar Kotkapura, District Faridkot as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. Vide order dated 01.10.2020, 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.

[3]. In compliance of order dated 01.10.2020, both the parties have appeared before Judicial Magistrate Ist Class, Faridkot. The Court has found that compromise in question is genuine and has been entered with free will. None of the accused has been declared 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, DDR No.4 dated 05.05.2020 registered under Sections 324, 323, 148, 149 IPC in FIR No.40 dated 04.05.2020 registered under Sections 324/34 IPC at Police Station Sadar Kotkapura, District Faridkot as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

16.11.2020

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No