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

**CRM-M No.28241 of 2020(O&M)
Date of Decision: 21.12.2020**

Maninderjeet Singh @ Minda

.....Petitioners

Vs

State of Punjab and another

.....Respondents

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

Present:Mr. Bhupinder Banga, Advocate
for the petitioners.

Mr. Bhupender Beniwal, Asstt., AG, Punjab.

Mr. Bhrigu Mahajan, Advocate
for respondent No.2.

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.0068 dated 02.06.2019 registered under Sections 379-B, 34 IPC at Police station Satnampura, District Kapurthala along with all subsequent proceedings arising therefrom on the basis of compromise.

[3]. Vide order dated 18.09.2020, parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements in respect of genuineness of the compromise in question. Petitioner could not appear before the trial Court on due date owing to his status as proclaimed person.

[4]. Vide order dated 05.11.2020, one more indulgence was granted to the petitioner to appear before the Illaqa Magistrate/trial Court on 16.11.2020 for recording their statements. The Court was also directed to submit its report with regard to genuineness of the compromise viz-a-viz number of accused persons involved in the case and also in respect of status of the accused in the context of being proclaimed offender or not.

[5]. Report has been received from the trial Court endorsing that statements of the parties have been recorded on 16.11.2020. Statement of ASI Binderpal No.1349/KPT, Police Station Satnampura, Phagwara has also been recorded. The compromise has been found to be genuine, voluntary, without any coercion or threat. Sub Divisional Judicial Magistrate, Kapurthala has submitted his report vide memo No.190 dated 26.11.2020.

[6]. In view of report submitted by the trial Court, this Court

is of the firm opinion that in view of compromise between the parties, there would be remote and negligible chances of the witnesses coming forward to depose in favour of the prosecution version. There would be remote chances of conviction, therefore, in order to put an end to the controversy for all times to come, exercise of inherent powers under Section 482 Cr.P.C would be in the interest of justice to facilitate both the parties to arrive at peaceful resolution of the dispute and also to maintain public tranquility in the area. The offence is personal in nature and the same does not involve any mental depravity and also does not involve any offence under Prevention of Corruption Act. In such situation, exercise of inherent jurisdiction in terms of Section 482 Cr.P.C would be in consonance with the requirement of law to meet ends of justice and to prevent unnecessary continuation of criminal proceedings, which would ultimately result in vacuum. Powers under Section 482 Cr.P.C can be exercised in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be in fully consonance with the direction issued by the Court 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]. Learned State counsel has objected to the aforesaid course, but in the interest of justice and also to prevent unnecessary continuation of criminal proceedings, I am of the view that inherent powers under Section 482 Cr.P.C can be exercised in order to achieve ends of justice.

[8]. Resultantly, FIR No.0068 dated 02.06.2019 registered under Sections 379-B, 34 IPC at Police station Satnampura, District Kapurthala as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[9]. Petition stands disposed of.

21.12.2020

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No