

242

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

**CRM-M No.27966 of 2019(O&M)
Date of Decision: 18.12.2020**

Kiranpal Kaur and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

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

Present: Ms. Radhia Kanwar, Advocate for
Mr. K.P. Singh, Advocate
for the petitioner.

Mr. Sarabjit Singh, AAG, Punjab.

Ms. N.K. Dhanjal, Advocate
for respondents No.2 and 3

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.15 dated 24.01.2019 registered under Sections 355, 380, 185, 323, 506, 34 IPC at Police Station Maqboolpura, Amritsar along with all subsequent proceedings arising therefrom on the basis of compromise.

[3]. Vide order dated 05.03.2020, both the parties were directed to appear before the trial Court for recording their statements in the context of genuineness of the compromise. Vide order dated 21.09.2020, further indulgence was granted to the parties to appear before the trial Court on 30.09.2020 and in the event of their appearance, trial Court was directed to record their statements in view of directions already issued in the order dated 05.03.2020.

[4]. Report of the trial Court has been received wherein the factum of genuineness of the compromise in question has been endorsed. The trial Court has reported that the matter has been compromised with the intervention of the respectables. The compromise is genuine, voluntary, without any coercion or undue influence and the same is outcome of free will of the parties. None of the accused persons is proclaimed offender, nor any such proceeding has been initiated against any of them in this case. Trial Court along with report dated 04.11.2020 has also annexed statements of the parties in which they have admitted the compromise to be genuine.

[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.15 dated 24.01.2019 registered under Sections 355, 380, 185, 323, 506, 34 IPC at Police Station Maqboolpura, Amritsar as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

18.12.2020

Prince

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No