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

CRM-M No.27735 of 2019

Date of Decision: 03.02.2020

HARDEEP SINGH @ HAPPY AND ORS

.....Petitioners

Vs

STATE OF PUNJAB AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Arnav Sood, Advocate
for the petitioners.

Mr. J.S. Ghumman, D.A.G., Punjab.

Mr. Akashdeep Singh
for respondents No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. By way of present petition, the petitioners seek quashing of FIR No.83 dated 28.05.2019 registered under Sections 325, 506, 148 IPC and Section 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 at Police Station Sadar, District Hoshiarpur (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. Vide order dated 03.07.2019, notice of motion was

issued and the parties were directed to appear before trial Court/Illaqa Magistrate on 17.07.2019 for recording their statements with regard to the compromise arrived at between them. The trial Court was directed to submit report with regard to the authenticity and genuineness of the compromise, indicating total number of accused facing the trial and status/stage of the case.

[3]. In pursuance of aforesaid order dated 03.07.2019, a report dated 17.07.2019 has been received from the Additional Chief Judicial Magistrate, Hoshiarpur after recording statements of the parties. As per report, the Court has verified that the parties have entered into a compromise and their statements to that effect have been recorded. The matter has been amicably settled without any pressure. The complainant has voluntarily without any pressure endorsed the factum of compromise. The Court vide its report has also recorded its satisfaction that the matter has been settled amicably, voluntarily and without any pressure or coercion. There are no other accused other than the accused involved in the present FIR. Statement of the Investigating Officer ASI Jasvir Singh has also been recorded in the aforesaid context by the Court.

[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.83 dated 28.05.2019 registered under Sections 325, 506, 148 IPC and Section 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 at Police Station Sadar, District Hoshiarpur (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

February 03, 2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No