

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

**CRM-M No. 31932 of 2019 (O&M)
Date of Decision:- 08.01.2020**

Gurmeet Singh

...Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Sh. Naveen Singh Panwar. Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Kanwar Satbir Singh, Advocate,
for respondents No.2 and 3.

RAJ MOHAN SINGH, J.(Oral)

[1] Prayer in this petition is for quashing of FIR No.0273 dated 28.07.2017 registered under Sections 279 and 337 of IPC and Section 338 (added during investigation) at Police Station Murthal, Sonipat (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. Vide order dated 21.08.2019 both the parties were directed to appear before the Trial Court/Area Judicial Magistrate on 10.09.2019 for getting their respective statements recorded

in respect of genuineness of the compromise in question.

[3]. As per the report submitted by Chief Judicial Magistrate, Sonipat, both the parties have appeared before the Court and have made their statements in the context of compromise. Complainant Harmeet Kaur and Nikhil Kumar have stated that they have entered into a valid compromise and now they do not want to proceed with the case against the accused petitioner Gurmeet. The accused has not been declared as proclaimed offender at any stage. The case is still at the stage of prosecution evidence. The Court has found the compromise in question to be lawfully executed without any inducement, coercion or threat.

[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.0273 dated 28.07.2017 registered under Sections 279 and 337 of IPC and Section 338 (added during investigation) at Police Station Murthal, Sonipat

(Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

08.01.2020

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**(Raj Mohan Singh)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No