

MOHMED ATIK
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I attest to the accuracy and
integrity of this document

Court was also directed to send its report indicating number of accused facing the trial, whether any of the accused was declared as proclaimed offender at any stage of the trial, status/stage of the trial/case and to record the statements of all the concerned parties in the context of genuineness and validity or otherwise of the compromise.

[3]. In pursuance of aforesaid order dated 22.08.2019, a report dated 16.09.2019 has been received from the Judicial Magistrate, 1st Class, Pathankot 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 complainants have 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 and the compromise appears to be genuine. The Court has also reported that no person is facing trial as of now, since final report is not yet presented. No person is declared as proclaimed offender. Challan is yet to be presented in this case.

[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.65 dated 03.10.2017 registered under Section 420 IPC at Police Station Kanwan District Pathankot (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

February 07, 2020

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No