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

**CRM-M No.36831 of 2019
Date of Decision: 20.01.2020**

**SUSHIL KUMAR @ SHILLA AND ANOTHER
.....Petitioners**

Vs

**STATE OF HARYANA AND ANOTHER
.....Respondents**

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

Present: Mr. Sandeep Singh, Advocate
for the petitioners.

Mr. Surender Singh, A.A.G., Haryana.

Mr. Baljeet Nain, Advocate for
Mr. Sanchit Punia, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of FIR No.24 dated 09.08.2019 registered under Sections 323, 34, 506 IPC at Police Station Sector 32-33, Karnal (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. Vide order dated 03.09.2019, both the parties were directed to appear before the Illaqa Magistrate/Duty Magistrate

for recording their respective statements in respect of genuineness of the compromise in question.

[3]. In pursuance of the aforesaid order, both the parties have already appeared on 29.10.2019 before the Addl. Chief Judicial Magistrate, Karnal and got their statements recorded in respect of genuineness and voluntary nature of the compromise in question. The complainant Sanjay Sharma has tendered his affidavit in support of his consent. His statement was recorded by the Addl. Chief Judicial Magistrate, Karnal, wherein he stated that he has entered into a compromise and has no objection in case FIR is quashed. A written compromise has also been brought on record. The statements of the petitioners namely Sushil Kumar @ Shilla and Raj Kumar @ Monu were also recorded by the Addl. Chief Judicial Magistrate, Karnal. The Court has also received summary of the case from the SHO Sector 32/33, District Karnal.

[4]. On the basis of statements of the parties, the Addl. Chief Judicial Magistrate, Karnal vide its report dated 14.11.2019 has reported that the compromise is genuine. Only two accused have been arrayed in the case and both of them have compromise with the complainant.

[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.24 dated 09.08.2019 registered under Sections 323, 34, 506 IPC at Police Station Sector 32-33, Karnal (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

January 20, 2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No