

258

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

CRM-M No.35101 of 2019

Date of Decision: 07.02.2020

JAGGA SINGH

.....Petitioner

Vs

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.S. Sidhu, Advocate for
Mr. G.S. Khokhar, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

Mr. Munish Raj Chaudhary, Advocate
for respondent No.2/complainant.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of FIR No.39 dated 14.04.2015 registered under Sections 324/34 IPC at Police Station Raman, District Bathinda (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. Vide order dated 27.08.2019, both the parties were directed to appear before the Illaqa Magistrate/trial Court on 15.10.2019 for recording their respective statements in respect of genuineness of the compromise in question. The trial Court was also directed to record the statements of the parties and to

send its report containing the following information:-

- (i) *Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?*
- (ii) *Whether the compromise effected between the parties is genuine and valid?*
- (iii) *Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?*
- (iv) *Whether any other case is pending against either of the parties or not, if yes, the details thereof?*
- (v) *Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?*
- (vi) *Whether any of the petitioner(s) is/are previous convict or not?*

Learned State counsel was also directed to get the instructions whether the State was having any objection or not?

[3]. In pursuance of aforesaid order dated 27.08.2019, a report dated 15.10.2019 has been received from the Sub Divisional Judicial Magistrate, Talwandi Sabo 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 parties are not involved in any other FIR. None has been declared as proclaimed offender. It is further reported that there was another accused namely Amandeep Kaur, but as per report/challan presented under Section 173 Cr.P.C. before the Court, she has been found to be innocent during investigation and her name is kept in column No.2 of the report/challan. There is one only one complainant/injured namely Kulwant Singh and as per record there is no other complainant or injured in the present case. No other case is pending against either of the parties and none of the parties involved in the present case have been declared as proclaimed offender. In view of the statement of the accused-petitioner, he is not previous convict.

[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.39 dated 14.04.2015 registered

under Sections 324/34 IPC at Police Station Raman, District Bathinda (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

February 07, 2020

(RAJ MOHAN SINGH)
JUDGE

<i>Atik</i>	
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No