

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

CRM-M No.38424 of 2019

Date of Decision: 07.01.2020

Baggo and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

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

Present: Ms. Manjit Saini, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Minkal Thatai, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of FIR No.92 dated 28.11.2015 registered under Sections 323, 325, 506, 148, 149 IPC at Police Station Islamabad, Amritsar as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. Vide order dated 10.09.2019, both the parties were directed to appear before the trial Court/Area Judicial Magistrate on 03.10.2019 for getting their statements recorded in respect of validity of compromise in question.

[3]. In pursuance of aforesaid order, both the parties appeared before the Judicial Magistrate, First Class, Amritsar

on 03.10.2019 and have got their statements recorded which according to the Court is lawful. Compromise has been found to be without any undue influence, pressure or coercion.

[4]. There are four accused persons in the case. All have been examined by the court. Complainant/respondent No.2 has also deposed in the context of compromise to be lawful. Complainant has also endorsed no objection if the FIR in question is quashed by this Court.

[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.92 dated 28.11.2015 registered under Sections 323, 325, 506, 148, 149 IPC at Police Station Islamabad, Amritsar as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

January 07, 2020

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No