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

**CRM-M No.45276 of 2019 (O&M)
Date of Decision: 03.02.2020**

SUNIL KUMAR AND OTHERS

.....Petitioners

Vs

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Dev Kaushik, Advocate
for the petitioners.

Mr. Anmol Malik, A.A.G., Haryana.

Mr. Pankaj Kaushik, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. By way of present petition, the petitioners seek quashing of FIR No.163 dated 26.03.2013 registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station City Bahadurgarh, District Jhajjar (Annexure P-1) as well as all the subsequent proceedings arising therefrom on the basis of compromise.

[2]. Vide order dated 23.10.2019, notice of motion was issued and the parties were directed to appear before the trial

Court upto 31.10.2019 for recording their statements in terms of settlement arrived at between them. The trial Court was also directed to get itself satisfied with regard to the authenticity of the compromise and the fact that the compromise was arrived at without any pressure or undue influence and thereafter to send its report to this Court. The Trial Court was also directed to verify involvement of any other person other than the parties in the present petition, whose consent would be required for quashing of the present FIR. Report *qua* pendency of similar case, if any, was also sought.

[3]. In pursuance of aforesaid order dated 23.10.2019, a report dated 31.10.2019 has been received from the Judicial Magistrate, 1st Class, Bahadurgarh 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 complainant has 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. The Court has also reported that there is no other person involved in the occurrence, who has not been made party in the present petition whose consent is required for

quashing of FIR. As per separate statement of SI Krishan Kumar, no similar case is pending between the parties.

[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.163 dated 26.03.2013 registered under Sections 420, 467, 468, 471, 120-Bs IPC at Police Station City Bahadurgarh, District Jhajjar (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

February 03, 2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No