

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

265

**CRM-M No.52971 of 2019
Date of Decision: 11.2.2020**

SUNIL DUGGAL

.....Petitioner

Vs

STATE OF PUNJAB AND ANOTHER

.....Respondents

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

Present: Mr.Sumit, Advocate for
Mr.G.S.Madaan, Advocate
for the petitioner.

Mr. J.S.Ghumman, D.A.G., Punjab.

Mr.Prince Pushpinder Rana, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.200
dated 16.11.2018 registered under Sections 279/ 338/ 337/
427 IPC at Police Station Pau District Ludhiana (Annexure P-1)
as well as all the subsequent proceedings arising therefrom on
the basis of compromise.

On 12.12.2019, following order was passed by this

Court:-

“The present petition has been filed for quashing of FIR No.200 dated 16.11.2018 registered under Section(s) 279, 338, 337 & 427 IPC at Police Station PAU, District Ludhiana and all subsequent proceedings on the basis of compromise.

Notice of motion 11.02.2020.

On asking of the Court, Mr. Harbir Sandhu, AAG, Punjab, accepts notice on behalf of the State. Mr. Prince Pushpinder Rana, Advocate, accepts notice on behalf of the complainant-respondent(s) No.2.

Learned counsel for the petitioner is directed to supply copy of the paper book to the counsel opposite during course of the day.

Let the parties now appear before the Trial Court/Ilalaqa Magistrate on 20.12.2019 or any other date convenient to the Court for recording their statements with regard to compromise. The Trial court/Ilalaqa Magistrate is directed to record the statements of both the parties to its satisfaction to know the genuineness of the compromise and to assess that the statements are not the result of any

pressure or coercion in any manner. The Trial Court/Ilalaqa Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties. It shall also be reported whether petitioner has been declared Proclaimed Offender in this case or not.”

In pursuance of the aforesaid order, both the parties have appeared before the Judicial Magistrate Ist Class, Ludhiana on 20.12.2019 and have deposed in respect of genuineness and voluntary nature of the compromise in question. The Court has also submitted its report dated 21.12.2019, endorsing the genuineness of the compromise in question, which is found to be voluntary and without any coercion or undue influence.

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.

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.**

Resultantly, FIR No.200 dated 16.11.2018 registered under Sections 279/ 338/ 337/ 427 IPC at Police Station Pau

District Ludhiana (Annexure P-1) as well as all the subsequent proceedings arising therefrom, are hereby quashed.

Petition stands disposed of.

February 11, 2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No