

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

244

CRM-M-7912-2015

Date of Decision: 31.7.2015

DEEPAK SINGH AND ORS

.....Petitioners

Vs

STATE OF PUNJAB AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Shashi Kant Gupta, Advocate,
for Mr. L.M. Gulati, Advocate,
for the petitioners.

Mr. Varun Sharma, AAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.27 dated 3.2.2015 registered under Sections 452/ 354/ 323/ 324/ 506/ 427/ 148/ 149 IPC at Police Station Sultanwind, District Amritsar on the basis of compromise.

Vide order dated 7.5.2015, parties were directed to appear before the trial court on 15.5.2015 and the trial Court was directed to record their statements and submit its report qua the genuineness of the compromise effected between the parties.

In pursuance to the aforesaid order, both the parties appeared before Judicial Magistrate 1st Class, Amritsar and got their statements recorded in which they have fully endorsed

the factum of compromise and stated that the compromise in question is voluntarily executed and is free from all coercion and pressure of any kind.

Judicial Magistrate 1st Class, Amritsar, vide her report dated 17.7.2015, also endorsed the factum of compromise and opined that the compromise in question is without any pressure or coercion.

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.

The State on notice, however, object 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.

Resultantly, FIR No.27 dated 3.2.2015 registered under Sections 452/ 354/ 323/ 324/ 506/ 427/ 148/ 149 IPC at Police Station Sultanwind, District Amritsar and all the subsequent proceedings arising therefrom, are quashed.

(RAJ MOHAN SINGH)

JUDGE

July 31, 2015
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