

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

CRM-M No.36158 of 2021

Date of decision: 17th January, 2023

Sant Lal Aggarwal & another

... Petitioners

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parikshit Goyal, Advocate for the petitioners.

Mr. Surender Singh, Asst. Advocate General, Haryana
for the respondent No.1/State.

MANJARI NEHRU KAUL, J. (ORAL)

Instant petition has been filed under Section 482 Cr.P.C. for quashing of the FIR No.0568/2018 dated 18.09.2018 (Annexure P-1) under Sections 420, 406, 120-B and 506 IPC registered at Police Station Safidon, District Jind (Haryana) along with all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

In compliance of order dated 03.09.2021 passed by this Court, report dated 07.12.2021 has been received from learned Sub Divisional Judicial Magistrate, Safidon. It stands reflected in the report that besides the present petitioners, Sant Lal Aggarwal and Rajni Goyal, two more accused Satish Pahwa and Accountant of Durga Balaji have been named as accused in the FIR in question, whose role in the

crime in question is identical to that of the accused/petitioners with whom compromise has been effected.

This Court in '**Yatin @ Mithu & another vs. State of Haryana**' CRM-M-7450-2022, has held that partial quashing of FIR and other consequential proceedings qua some accused with whom the complainant has compromised the dispute can be done but only in certain exceptional cases. But where all the accused have been attributed almost similar roles in the crime, if the FIR and consequential proceedings are quashed on the basis of a compromise effected between some of those accused and complainant to the exclusion of the others, it would run contrary to securing the ends of justice and the spirit of compromise. If such partial quashing is allowed it would render the social and legal purpose behind Section 482 Cr.P.C. nugatory.

This Court has no hesitation in observing that a danger indeed runs in quashing such FIRs including partial quashing on the basis of a compromise where all the accused have been attributed identical roles, and some of the accused have been able to enter into a compromise with the complainant by either pressurizing him or exercising undue influence or coercion. It cannot be over emphasized that there could be cases where the accused/offenders holding influential positions or being in a sound financial position would go scot free, and on the other hand, an accused, who may not be able to

influence the complainant or induce him to effect a compromise would be left to face trial.

As a sequel to the above, no ground is made out to accept the prayer made by the petitioners for quashing of the FIR (Annexure P-1) qua them. The petition as such, stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

January 17, 2023

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No