



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

274

**CRM-M-6351-2024(O&M)
Date of Decision: 23.09.2024**

SANJAY KUMAR AND ANOTHERPetitioners

VERSUS

STATE OF HARYANA AND ANOTHERRespondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Kartar Singh, Advocate for the petitioners.

Ms. Nidhi Garg, AAG, Haryana.

Mr. H.N. Sahu, Advocate for respondent no.2.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.13 dated 01.02.2023 under Sections 419, 420, 467, 468, 471, 120-B of IPC registered at Police Station DLF Phase-II, Gurugram and all the subsequent proceedings arising therefrom, on the basis of compromise dated 30.01.2024 (Annexure P-2).

2. This Court vide order dated 14.08.2024 had directed the parties to appear before the Illaqa/Duty Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

3. Pursuant to the aforesaid order, parties have appeared before the learned Judicial Magistrate Ist Class, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has



submitted report dated 06.09.2024 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence. It is also mentioned in the report that there are five accused namely Gurupreet Singh @ Narpinderjeet, Dharampal, Sanjay Chabarbal, Vipul and Amit Redhy who have been arrayed in this case. However, through this petition only the petitioners namely Sanjay Kumar and Dharampal and the complainant have compromised the matter. Separate statements of present petitioners and complainant/respondent No.2 as well as the Investigating Officer had been recorded. It is also mentioned that one another FIR has been lodged against the petitioner - Sanjay Kumar whereas Dharampal is not involved in any other case. It is further mentioned in the report that neither of the petitioners has been declared proclaimed person in this case.

4. The factum of compromise having arrived at between the parties has not been disputed by learned State counsel as well as counsel for respondent No.2. Learned State counsel, however, has submitted that it is a case of partial compromise as the co-accused is not a party to the same and it might have repercussions upon the trial. In the opinion of this Court, since it has come on record that the compromise has been effected between the parties to maintain peace and harmony and as there are bleak chances of conviction of the petitioner, therefore, partial quashing or part quashing of the FIR qua the petitioners only, can be allowed. In this regard reliance can be placed upon the observations made by Delhi High Court in ***“Sunil Tomar***

Vs. State of NCT of Delhi”, 2022(2) CrI. CC 179 and ***“Lovely Salhotra***



and another vs. State of NCT of Delhi”, (2018) 12 SCC 391 as well as judgments passed by the co-ordinate Bench of this Court in “*Parambir Singh Gill vs. Malkiat Kaur*”, 2010 (1) RCR (Criminal) 256 and “*Samay Singh vs. State of Haryana*” 2023 NCPHHC 99612.

5 As per the discussion so made above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

6 Following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another* 2007 (3) RCR (Criminal) 1052 and approved by the Hon’ble Supreme Court in *Gian Singh Versus State of Punjab and others* (2012) 10 SCC 303, this petition is allowed and FIR No.13 dated 01.02.2023 under Sections 419, 420, 467, 468, 471, 120-B of IPC registered at Police Station DLF Phase-II, Gurugram and all subsequent proceedings arising therefrom on the basis of compromise dated 30.01.2024 (Annexure P-2) are quashed qua the present petitioners herein only.

23.09.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No