



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

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**CRM-M No.14639 of 2023
Date of decision: 07.08.2024**

BALJINDER SINGH AND ANOTHER**.... Petitioners**

Versus

STATE OF HARYANA AND ANOTHER**.... Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Manoj Pundir, Advocate for the petitioners.

Ms. Nidhi Garg, A.A.G., Haryana.

Mr. Joginder Singh, 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.303 dated 02.10.2022 registered under Sections 406, 420, 467, 468, 471, 506 and 120-B of IPC, at Police Station Barara, District Ambala and all the subsequent proceedings arising therefrom, on the basis of compromise dated 07.03.2023 (Annexure P-2).

2. This Court vide order dated 23.03.2023 had directed the parties to appear before the trial Court/Area 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, Ambala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 24.05.2023 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 apart from the petitioner, there are three more persons were nominated in the present FIR but the present petitioners have approached this Court only. Joint statements of present petitioners and statement of complainant/respondent No.2 as well as the Investigating Officer had been recorded. It is further mentioned in the report that a compromise has been effected between the parties and that the petitioner has not 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 are 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 coordinate 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 abvoe, 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.303 dated 02.10.2022 registered under Sections 406, 420, 467, 468, 471, 506 and 120-B of IPC, at Police Station Barara, District Ambala and all subsequent proceedings arising therefrom on the basis of compromise dated 14.12.2023 (Annexure P-2) are quashed qua the petitioners herein only.

07.08.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned: Yes/No.
Whether reportable : Yes/No