



CRM-M-17412-2024

-1-

**284 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-17412-2024****Date of decision: 29th July, 2024**

Prateek Rao

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. V.K. Singhmar, Advocate for respondents No. 2 and 3.

MANISHA BATRA, J (ORAL):-

1. The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No. 175 dated 17.07.2023 under Sections 120-B, 420 and 409 of IPC, 1860 registered at Police Station DLF Phase-1, District Gurugram and all the subsequent proceedings arising therefrom, on the basis of compromise dated 27.03.2024 (Annexure P-2).

2. This Court vide order dated 08.04.2024 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



CRM-M-17412-2024

-2-

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 21.05.2024 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 apart from the petitioner, there is one more accused namely, Dilbar Khan was nominated in the present FIR who is absconding/proclaimed person in this case. Separate statements of present petitioner and 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 petitioner 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) CrL 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.22 dated 16.02.2020 under Sections 341 and 34 of IPC (offence under Section 201 of IPC added later on) registered at Police Station City-2, Malerkotla, District Malerkotla and all subsequent proceedings arising therefrom on the basis of compromise dated 14.12.2023 (Annexure P-2) are quashed qua the petitioner herein only.



CRM-M-17412-2024

-4-

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.175 dated 17.07.2023 under Sections 120-B, 420 and 409 of IPC, 1860 registered at Police Station DLF Phase-1, District Gurugram and all subsequent proceedings arising therefrom on the basis of compromise dated 27.03.2024 (Annexure P-2).

2. This Court vide order dated 08.04.2024 had directed the parties to appear before the trial Court 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 Judicial Magistrate Ist Class, Gurugram and got their statements recorded. On the basis of the statements so recorded, Learned Magistrate has submitted report dated 21.05.2024 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

4. Learned State counsel as well as counsel for respondents No.2 and 3 have not disputed the factum of compromise between the parties.

5. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R. 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.175 dated 17.07.2023 under Sections 120-B,



CRM-M-17412-2024

-5-

420 and 409 of IPC, 1860 registered at Police Station DLF Phase-1, District Gurugram and all subsequent proceedings arising therefrom on the basis of compromise dated 27.03.2024 (Annexure P-2) are quashed qua the petitioner.

[MANISHA BATRA]
JUDGE

29th July, 2024
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No