



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-20463-2024(O&M)
Date of Decision: 09.09.2024

HARPREET SINGH ALIAS HAPPY AND ANOTHERPetitioners

VERSUS

STATE OF PUNJAB AND ANOTHERRespondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Mitul Singh Rana, Advocate for the petitioners.

Mr. Satjot Singh, AAG, Punjab.

Ms. Nisha Rana, Advocate for
Ms. Priyanka Sharma, 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.23 dated 27.02.2021 under Sections 323, 324, 452, 506, 148, 149 (Section 325 added later on) IPC registered at Police Station Bullowal, District Hoshiarpur, Punjab and all the subsequent proceedings arising therefrom, on the basis of compromise dated 04.04.2024 (Annexure P-2).

2. This Court vide order dated 18.07.2024 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, Hoshiarpur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 24.08.2024 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 five accused i.e. Jarnail Singh, Bhupinder Singh, Arvinder Singh, Jaskaran Singh @ Karan and Harpreet Singh @ Happy have been arrayed as accused in this case. However, through this petition only the petitioners no.1 & 2 and the complainant have compromised the matter. Separate statements of the petitioners 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 petitioners no.1 & 2 and complainant/respondent no.2 and the petitioners have not been declared proclaimed person in this case. There is no other case pending against them.

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 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 petitioners, therefore, partial quashing or part quashing of



the FIR qua the present 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.23 dated 27.02.2021 under Sections 323, 324, 452, 506, 148, 149 (Section 325 added later on) IPC registered at Police Station Bullowal, District Hoshiarpur, Punjab and all subsequent proceedings arising therefrom on the basis of compromise dated 27.05.2024 (Annexure P-2) are quashed qua the petitioner herein only.

09.09.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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