



CRM-M- 22308-2024 (O&M)

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

**CRM-M- 22308-2024 (O&M)
Date of Decision: 29.07.2024**

SURJEET SINGH AND OTHERS

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Malkiat Singh Hundal, Advocate for the petitioners.
Mr. A. S. Samra, AAG, Punjab.
Mr. Ajay Kumar Dahiya, Advocate
for respondent No. 2.

MANISHA BATRA, J. (ORAL)

1. Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 203 dated 05.11.2018 under Sections 307, 379-B, 323, 427, 506, 148, 149 IPC 1860 and Section 25 of Arms Act (Sections 307, 379-B IPC and Section 25 of Arms Act deleted later on) registered at Police Station Guruharsahai, District Ferozepur and all subsequent proceedings arising therefrom on the basis of compromise dated 17.04.2024



(Annexure P-2).

2. This Court vide order dated 24.05.2024 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 Sub Divisional Judicial Magistrate, Guruharsahai and got their statements recorded. On the basis of the statements so recorded, Learned Magistrate has submitted report dated 16.07.2024 to the effect that a compromise has been effected between the parties voluntarily and without any coercion or undue influence. It is further mentioned in the report that a compromise has been effected between the parties and that the petitioners have not been declared proclaimed persons 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 petitioners, 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) CrL CC 179 and “*Lovely*



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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. 203 dated 05.11.2018 under Sections 307, 379-B, 323, 427, 506, 148, 149 IPC 1860 and Section 25 of Arms Act (Sections 307, 379-B IPC and Section 25 of Arms Act deleted later on) registered at Police Station Guruharsahai, District Ferozepur and all subsequent proceedings arising therefrom on the basis of compromise dated 17.04.2024 (Annexure P-2) are quashed qua the petitioners herein only.

29.07.2024
Seema

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>