

CRM-M-23094-2024(O&M)

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

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CRM-M-23094-2024(O&M)
Date of Decision : 25.09.2024

Sukhwinder Singh @ Laddi

..... Petitioner

Versus

State of Punjab & anr.

..... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Puneet Bali, Advocate
for the petitioners.

Mr. Amandeep Singh Samra, AAG, Punjab.

Ms. Mehtab Kamboj, Advocate
for respondent No.2.

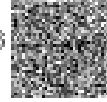
MANISHA BATRA, J.

Receipt regarding deposit of costs of Rs.25,000/- has been placed on record.

1. The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.0145 dated 20.08.2021 under Sections 323, 324, 452, 427, 506 and 34 of IPC registered at Police Station Nakodar Sadar, District Jalandhar Rural and all the subsequent proceedings arising therefrom, on the basis of compromise dated 20.04.2024 (Annexure P-2).

2. This Court vide order dated 09.05.2024 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.

Pursuant to the aforesaid order, parties have appeared before the

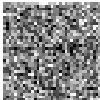


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learned Sub Divisional Judicial Magistrate, Nakodar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 21.09.2024 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence. It is also mentioned in the report that apart from the petitioner, there is one more accused namely, Balwinder Singh @ Karan @ Ghula 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) 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*



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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.0145 dated 20.08.2021 under Sections 323, 324, 452, 427, 506 and 34 of IPC registered at Police Station Nakodar Sadar, District Jalandhar Rural and all the subsequent proceedings arising therefrom, on the basis of compromise dated 20.04.2024 (Annexure P-2) are quashed qua the petitioner herein only.

25.09.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No