



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

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**CRM-M No.29245 of 2024
Date of decision: 15.07.2024**

MD. ASIF RAZA**.... Petitioner****Versus****STATE OF HARYANA AND ANOTHER****.... Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Munish Kumar Garg, Advocate for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

Ms. Bhawna Thakur, 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.8 dated 07.03.2024 under Section 420 of IPC (Sections 419, 420, 467, 468, 471 and 120-B of IPC were added later on) registered at Police Station Cyber Crime, Haryana Panchkula, District Panchkula and all the subsequent proceedings arising therefrom, on the basis of compromise dated 29.05.2024 (Annexure P-2).
2. This Court vide order dated 03.06.2024 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, Panchkula and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 12.06.2024 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 are two more accused namely, Shoaib Ahmad @ Shoaib and Mohammad Kawish Hoda nominated in the present FIR. Joint statement of present petitioner and Shoaib Ahmed @ Shoaib has been recorded whereas the third accused namely, Mohammad Kawish Hoda has filed a separate petition bearing No. CRM-M-32121-2024 for quashing of the same FIR which is pending before this Court. 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. Learned State counsel as well as counsel for respondent No.2 have not disputed the factum of compromise between the parties, however, learned State counsel has argued that this petition is not maintainable in the present form since it is by way of 'partial compromise' and the same would have serious repercussions upon the trial of the other co-accused.

5. Reliance can be placed upon the judgments rendered 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***, whereby partial quashing or part quashing of the FIR only qua specific petitioner(s)/accused with whom the complainant has compromised or settled the matter, was allowed and recognized.

6 In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR and even

otherwise the respective petitions filed by co-accused Shoaib Ahmed @ Shoaib has also been quashed by an order of even date in CRM-M-29509-2024 and as far as the case of co-accused Md. Kawish Hoda is concerned, the same is pending for 23.08.2024 in CRM-M-32121 of 2024.

7 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.8 dated 07.03.2024 under Section 420 of IPC (Sections419, 420, 467, 468, 471 and 120-B of IPC were added later on) registered at Police Station Cyber Crime Haryana Panchkula, District Panchkula and all subsequent proceedings arising therefrom on the basis of compromise dated 29.05.2024 (Annexure P-2) are quashed qua the petitioner herein only.

15.07.2024

Jyoti-IV

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable : Yes/No