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....Petitioner

....Respondent

Deepak Patwal
2024.09.16 10:58
I attest to the accuracy and
integrity of this document



Magistrate has submitted report dated 05.09.2024 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 six accused namely Sunil Kumar, Milton Kumar, Pintu Kumar, Vipin Kumar, Manish Kumar, Aman Kumar are involved in the present FIR. Accused Manish Kumar and Amar Kumar are absconding in the present FIR. However, through this petition only the petitioners no.1 to 4 and the complainant have compromised the matter. Statements of petitioners namely Sunil Kumar, Milton Kumar, Pintu Kumar and Vipin Kumar and complainant/respondent No.2 as well as the Investigating Officer have been recorded.

4. The factum of compromise having arrived at between the parties has not been disputed by learned State counsel as well as counsel for respondents No.2 & 3. 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 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.17 dated 17.01.2024 under Sections 379-B of IPC registered at Police Station Chhapar District Yamuna Nagar at Jagadhri and all subsequent proceedings arising therefrom on the basis of compromise dated 28.05.2024 (Annexure P-2) are quashed qua the petitioners herein only.

11.09.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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