



CRM-M-30681-2023(O&M)

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**263 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-30681-2023 (O&M)****Date of decision: 31st July, 2024**

Rajiv Gupta

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. M.S. Sangwan, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Sanjay Kaushal, 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.59 dated 19.01.2023 under Sections 120-B, 420 and 406 of IPC, 1860 registered at Police Station Sector-8, Faridabad, Haryana and all the subsequent proceedings arising therefrom, on the basis of compromise dated 10.03.2023 (Annexure P-7).

2. This Court vide order dated 30.05.2024 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.

3. Pursuant to the aforesaid order, parties have appeared before the learned Judicial Magistrate Ist Class, Faridabad and got their statements



recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 08.07.2024 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, Amit Garg and Hardeep were nominated in the present FIR, but through the present petition quashing qua the present petition has been filed. 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) CrL 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.59 dated 19.01.2023 under Sections 120-B, 420 and 406 of IPC, 1860 registered at Police Station Sector-8, Faridabad, Haryana and all subsequent proceedings arising therefrom on the basis of compromise dated 10.03.2023 (Annexure P-7) are quashed qua the petitioner herein only.

[MANISHA BATRA]
JUDGE

31st July, 2024

Parveen Sharma

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