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

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Date of decision: 22nd October, 2024

Manjeet Singh and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kapil Khanna, Advocate for the petitioners.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Ankit Yadav, Advocate for respondent No.2.

MANISHA BATRA, J (ORAL):-

The present petition has been filed for quashing of FIR No.755 dated 16.08.2022 under Sections 406, 420, 120-B of IPC, 1860 (offences under Sections 408, 467, 468 and 471 of IPC added later on) registered at Police Station Camp Palwal, District Palwal and all the subsequent proceedings arising therefrom, on the basis of compromise/self declaration dated 25.06.2024 (Annexure P-2).

2 . This Court vide order dated 23.08.2024 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.



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3. Learned counsel for the petitioner has submitted that neither of the accused has been declared as a proclaimed person. However, it has come on record that proclamation proceedings have been ordered to be initiated against the petitioners and the same has published for 16.11.2024.

4. Pursuant to the aforesaid order, parties have appeared before the learned Chief Judicial Magistrate, Palwal 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 petitioners, one more accused namely, Aatish Gyakward was nominated in the present FIR who is absconding/proclaimed person in this case. Separate statements of present petitioners and complainant/respondent No.2 as well as the Investigating Officer had been recorded.

5. 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*



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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.

6. 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.

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.755 dated 16.08.2022 under Sections 406, 420, 120-B of IPC, 1860 (offences under Sections 408, 467, 468 and 471 of IPC added later on) registered at Police Station Camp Palwal, District Palwal and all subsequent proceedings arising therefrom on the basis of compromise dated 25.06.2024 (Annexure P-2) are quashed qua the petitioners herein only.

[MANISHA BATRA]
JUDGE

22nd October, 2024

Parveen Sharma

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