

CRM-M-37520-2024 (O&M)

1

2024:PHHC:130482



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

270

CRM-M-37520-2024 (O&M)

Date of Decision: 01.10.2024

ABID

....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

....Respondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Saleem Ahmed, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G. Haryana.

Mr. Aazam Khan, Advocate for respondents no.2 & 3.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.55 dated 17.11.2023 under Sections 420, 120-B, 204 of IPC registered at Police Station Cyber Crime Manesar Gurugarm, Haryana and all the subsequent proceedings arising therefrom, on the basis of compromise dated 23.07.2024 (Annexure P-2).

2. This Court vide order dated 30.08.2024 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.

3. Pursuant to the aforesaid order, parties have appeared before the learned Judicial Magistrate Ist Class, Gurugram and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has



submitted report dated 20.09.2024 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 two person namely Abid and Mubarik have been arrayed as accused in the instant FIR. However, only one name of the petitioner - Abid has been shown in the memo of parties. The matter has been compromised between both the petitioners (Abid and Mubarik) and complainant – Roshni. Their statements have also been recorded. There is no other accused involved in the present FIR and no other case is pending against them.

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 & 3. Learned State counsel, however, has submitted that it is a case of partial compromise as the co-accused is 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.55 dated 17.11.2023 under Sections 420, 120-B, 204 of IPC registered at Police Station Cyber Crime Manesar Gurugarm, Haryana and all subsequent proceedings arising therefrom on the basis of compromise dated 23.07.2024 (Annexure P-2) are quashed qua the petitioner herein only.

01.10.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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