



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

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CRM-M-37435-2024(O&M)
Date of Decision: 03.10.2024

DHARMINDER SINGH @ GURMINDER SINGHPetitioner

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Balbir Singh Jaswal, Advocate with
Ms. Vaishali Thakur, Advocate for the petitioner.

Mr. Rubal Pawar, AAG, Punjab.

Mr. Ankit Bhardwaj, 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.86 dated 29.11.2016 under Sections 323, 452, 427, 509, 506, 148 & 149 of IPC registered at Police Station Tarsikka District Amritsar and all the subsequent proceedings arising therefrom, on the basis of compromise dated 26.07.2024 (Annexure P-5).

2. This Court vide order dated 02.09.2024 had directed the parties to appear before the Illaqa/trial 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 Sub-Divisional Judicial Magistrate, Baba Bakala Sahib and got their



statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.09.2024 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 persons have been arraigned in the present FIR, however, only one accused namely Dharminder Singh @ Gurminder Singh has appeared before the learned trial Court and compromised the matter with complainants/respondents no. 2 & 3. Separate statement of petitioner and joint statement of complainants/respondents No.2 & 3 as well as the Investigating Officer had been recorded. It is further mentioned in the report that no other case is pending against the accused.

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/complainant 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) 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.86 dated 29.11.2016 under Sections 323, 452, 427, 509, 506, 148 & 149 of IPC registered at Police Station Tarsikka District Amritsar and all subsequent proceedings arising therefrom on the basis of compromise dated 26.07.2024 (Annexure P-5) are quashed qua the petitioner herein only.

03.10.2024

Deepak Patwal

(MANISHA BATRA)
JUDGE

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