



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-37784-2024(O&M)
Date of decision: 25.11.2024

Pritam SinghPetitioner

Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mohit Dalal, Advocate, the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Mr. Randeep Talwar, Advocate, for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.106, dated 13.01.2022, registered under Sections 420, 408, 467, 468, 471, 477A, 120-B of the Indian Penal Code, 1860, Police Station Shivaji Nagar, Gurugram (Annexure P-1) and all consequential proceedings arising out of the same, on the basis of compromise dated 05.06.2024 (Annexure P-2) arrived at, between the parties.

2. A perusal of FIR shows that complainant-Jitender Lamba has lodged FIR against the petitioner and many other persons for committing fraud and causing financial loss to his company i.e. Lamba Polymers. FIR has been lodged against many persons including the petitioner but compromise has been effected between only petitioner and complainant-Jitender Lamba which is partial.

3. The Division Bench judgment of this Court in case of **Rakesh Dass Vs. State of Haryana passed in CRM-M-48043-2023,**

has categorically laid down that an FIR cannot be quashed on the basis of a partial compromise. The relevant extracts/paras are reproduced hereunder:-

15. An incisive reading of the facts set-forth therein, wherein, all the principles (supra) become settled, but do not suggest that the said principles became erected, even when a partial compromise became arrived at amongst the concerned, and/or when no composite compromise became arrived at amongst all concerned, nor also but obviously the plenitude of jurisdiction preserved in the High Courts under Section 482 Cr.P.C., became expositied therein, to be available to become well resoured, even when the concerned make only a piecemeal compromise, inasmuch as, to the extent that some of the offenders are omitted to be mentioned in the settlement as becomes drawn, and/or even when some of the aggrieved from the offending act of the offender(s) are not included in the said made settlement.

16. In consequence, if the learned Single Benches of this Court after receiving a piecemeal settlement, did proceed to record a piecemeal order of composition of offence(s), besides made orders for the quashing of the verdicts of conviction drawn against the concerned, by the learned trial Judge concerned, whereagainst thus subjudice appeal(s) become instituted before the learned Appellate Court concerned, but basing them on the judgments (supra), are so made, thus without a careful and insightful reading(s) being made, both to the facts set-forth in the verdicts (supra), and, of the guidelines (supra) erected thereons.

17. Consequently, the views taken by the learned Single Benches of this Court, based upon the judgments (supra) whereby they proceeded to receive piecemeal settlements drawn amongst the concerned, and, also proceeded to record a piecemeal order of composition, are prima facie made outside the contours of the guidelines spelt in the verdicts (supra). In consequence, the view(s) taken in the said verdicts, thus is per incuriam, the expostulations of law (supra), thereby the said adopted view(s), thus to the considered mind of this Court, but require(s) to be hereafter not become adopted by the learned Single Benches of this Court.

4. In view of the above, the present petition for quashing the FIR on the basis of partial compromise is dismissed.

25.11.2024.
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No