

CRM-M-41261-2023
Date of decision: 29.02.2024

...PETITIONER

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Manmeet Singh Rana, Advocate for
Mr. R.S. Mangat, Advocate for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.0280 dated 09.12.2022 registered under Sections 457, 380, 411 (added later on), 148 (added later on), 34 (deleted later on) at Police Station Moti Nagar, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 01.08.2023 (Annexure P-4).

2. This Court had issued notice of motion on 21.08.2023. Reply filed by way of affidavit of Jatinder Singh, PPS, Assistant Commissioner of Police, Industrial Area-A, Ludhiana on behalf of respondent No.1-State of Punjab is taken on record.

3. Learned State counsel, on instructions from ASI Surjit Singh, submits that the veracity of compromise has been checked and it was found that the petitioner and respondent No.2 have effected a compromise, however,

learned State counsel has opposed the quashing of the FIR on the ground that it is a partial compromise.

4. Learned counsel for the petitioner, in rebuttal, submits that in view of the law laid down by Hon’ble Supreme Court in *Jayaraj Digvijaysinh Rana Vs. State of Gujrat and another 2012(4) RCR (Crl.) 589* and this Court in *Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256*, partial compromise is permissible.

5. Learned counsel for respondent No.2 submits that he has no objection in case the present petition is allowed.

6. In view of the compromise and the ratio of law laid down by the Hon'ble Supreme Court in *Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466* and *Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834* and *Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63* and Full Bench of this Court in *Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052*, this petition is allowed and FIR No.0280 dated 09.12.2022 registered under Sections 457, 380, 411 (added later on), 148 (added later on), 34 (deleted later on) at Police Station Moti Nagar, District Police Commissionerate Ludhiana (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioner only.

February 29, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |