



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-39174-2024(O&M)
Date of Decision: 25.10.2024

RAGHVIR SINGH AND ANR

....Petitioners

VERSUS

STATE OF PUNJAB AND ANR

....Respondents

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Ms. Madhu Bala, Advocate for
Mr. Janak Singh Bhinder, Advocate for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

Ms. Rupinder Kaur, Advocate for
Mr. Jagmeet Singh Moudgil, Advocate for respondent no.2.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.101 dated 06.04.2018 under Sections 384, 389, 120-B of IPC registered at Police Station City Sangrur, District Sangrur, Punjab and all the subsequent proceedings arising therefrom, on the basis of compromise dated 09.07.2024 (Annexure P-2).
2. This Court vide order dated 12.08.2024 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 Chief Judicial Magistrate, Sangrur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.09.2024 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 Raghvir Singh and Makhan Singh and Harjit Kaur have been arrayed as accused in this case. However, through this petition the present petitioners namely Raghvir Singh and Makhan Singh and the complainant have compromised the matter. It is also further stated in the report that they have compromised the matter voluntarily with victim Teja Singh as well. However, name of victim Teja Singh had not been arrayed as party in the instant petition. Separate statements of present petitioners and complainant/respondent No.2 as well as the Investigating Officer had been recorded. Statement of Teja Singh (one of the victims) whose name has also been recorded in FIR, had been recorded separately. It is further mentioned in the report that except petitioners Raghvir Singh and Makhan Singh, there is one another accused namely Harjit Kaur who is not party to the CRM-M-39174-2024 and has been declared as proclaimed offender in the present case vide order dated 08.11.2023.



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. 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 petitioners, 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.101 dated 06.04.2018 under Sections 384, 389, 120-B of IPC registered at Police Station City Sangrur, District Sangrur, Punjab and all subsequent proceedings arising therefrom on the basis of compromise dated 09.07.2024 (Annexure P-2) are quashed qua the petitioners herein only.

25.10.2024

Deepak Patwal

(MANISHA BATRA)
JUDGE

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