



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

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CRM-M-43359-2024(O&M)
Date of Decision: 03.10.2024

DINESH KUMAR PANJGOTRA

....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Hardeep Singh Saini, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Arjun Bhardwaj, Advocate for respondent no.2.
(through video conferencing mode)

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.45 dated 16.06.2024 under Sections 381, 409 of IPC (Section 120-B and 411 IPC added later on) registered at Police Station Mohkamura, District Police Commissionerate Amritsar, Punjab and all the subsequent proceedings arising therefrom, on the basis of Memorandum of Understanding/compromise dated 22.08.2024 (Annexure P-3).

2. This Court vide order dated 04.09.2024 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 Judicial Magistrate Ist Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted copy of report dated 30.09.2024 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 there are 08 accused persons namely Dinesh Kumar Panjgotra, Jai Parkash Khushwa, Jasbir Singh @ Beera, Harjit Singh @ Happy, Mukhwinder Singh @ Sajan, Jaspal Singh, Raja and Anil Jain in the present FIR. However, through this petition only the present petitioner Dinesh Kumar Panjgotra and the complainant have compromised the matter. Separate statements of present petitioner and complainant/respondent No.2 as well as the Investigating Officer had been recorded. It is further mentioned in the report that accused/person has not been declared proclaimed offender in this case.

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 are 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.45 dated 16.06.2024 under Sections 381, 409 of IPC (Section 120-B and 411 IPC added later on) registered at Police Station Mohkampura, District Police Commissionerate Amritsar, Punjab and all subsequent proceedings arising therefrom on the basis of compromise dated 22.08.2024 (Annexure P-3) 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