



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

226

CRM-M-43285-2024

Date of decision: 04.10.2024

DEEPAK BATISH AND ANOTHER

.... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Narinder Singh Swaitch, Advocate for the petitioner.

Mr. Rubal Pawar, AAG, Punjab.

Mr. Barjesh Kumar Sharma, Advocate and  
Ms. Shiwani, Advocate for respondent No.2.

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**MANISHA BATRA, J. (oral)**

1. The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.18 dated 03.05.2024 registered under Sections 420, 465, 468, 471 of the IPC at Police Station Punjab State Crime, District SAS Nagar, and all the subsequent proceedings arising therefrom, on the basis of compromise dated 08.08.2024 (Annexure P-2).

2. This Court vide order dated 03.09.2024 had directed the parties to appear before the trial Court 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 1<sup>st</sup> Class, SAS Nagar, Mohali and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 19.09.2024 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 apart from the petitioners, there are two more accused namely, Bidar Singh and Sarabjit had been nominated in the present FIR but only the present petitioners have approached this Court for quashing of the present FIR.

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 partes 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 petitioners 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.18 dated 03.05.2024 registered under Sections 420, 465, 468, 471 of the IPC at Police Station Punjab State Crime, District SAS Nagar and all subsequent proceedings arising therefrom on the basis of compromise dated 08.08.2024 (Annexure P-2) are quashed qua the petitioners herein only.

04.10.2024  
Jyoti-IV

(MANISHA BATRA)  
JUDGE

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|----------------------------|---------|
| Whether speaking/reasoned: | Yes/No. |
| Whether reportable :       | Yes/No  |