

he submits that trial is underway and prosecution witnesses are being examined. Mr. Rahul Garg, Advocate accepts notice on behalf of respondent No.2 and has filed Memorandum of Appearance, which is taken on record. He admits the factum of compromise.

The parties and Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 13.10.2023 or on any day thereafter as fixed by the court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise:*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of Area Magistrate/Trial Court be awaited for 05.12.2023.”

3. In compliance of the above order, report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. Learned counsel for the petitioners submits that petitioner No. 3-Sanjeev Kumar could not appear before the learned trial Court/Illaq Magistrate in pursuance of the order dated 14.09.2023 passed by this Court for getting his statement recorded in support of the compromise. Therefore, he wishes to withdraw the present petition qua petitioner No. 3-Sanjeev

Kumar with liberty to file a fresh petition qua him on the same cause of

action at a later stage. He further submits that in view of the law laid down by Hon’ble Supreme Court in *Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256* and *Jayaraj Singh Digvijay Singh Rana Vs. State of Gujrat and Another 2012(4) RCR (Crl.) 589*, partial compromise is permissible.

5. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in *Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256* and *Jayaraj Singh Digvijay Singh Rana Vs. State of Gujrat and Another 2012(4) RCR (Crl.) 589*, *Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466*, *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. 104 dated 12.07.2016 registered under Sections 420, 467, 468, 471 of Indian Penal Code at Police Station Nangal, District Rupnagar and all subsequent proceedings arising out of the same are quashed, qua petitioners No. 1 and 2 only and petition stands dismissed as withdrawn qua petitioner No. 3-Sanjeev Kumar with liberty to file a fresh petition qua petitioner No. 3 on the basis of compromise.

13.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No