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243 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46157-2023 (O&M)
Date of decision: 15.04.2024

SUKHJINDER SINGH @ KINDAR AND OTHERS
...PETITIONERS
V/S
STATE OF PUNJAB AND OTHERS
...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Karan Singh, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Devender Kumar, Advocate
for respondents No. 2 and 3.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 58 dated 02.04.2021 registered under Sections 323, 354, 148 and 149 of Indian Penal Code at Police Station Nakodar Sadar, District Jalandhar Rural and all subsequent proceedings arising therefrom on the basis of compromise dated 31.08.2023 (Annexure P-3).
2. The following order was passed on 15.09.2023:

“Learned counsel for the petitioners refers to Annexure P-3 dated 31.8.2023 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.58 dated 02.4.2021, under Sections 323, 354, 148 and 149 IPC, registered at Police Station Nakodar Sadar, District Jalandhar (Annexure P-1). Learned counsel for the petitioners submits that in the present FIR 10 persons have been nominated as accused, however, three persons out of them, namely, Sukhraj Singh @ Sukha son of Kulwinder Singh @ Papu, Rajvir Singh @ Rajvinder Singh son of Jagat Ram @ Shinda and Gurpreet Singh @ Gopi son of Charanjit Singh are presently residing abroad and therefore they

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have not been impleaded as petitioners in the present petition. Learned counsel relies upon the judgment rendered by this Court in Anil Kumar vs. State of Punjab and another in CRM-M-12631-2019, decided on 11.05.2023 and submits that partial quashing of FIR in such cases is permissible. Para 5 of the said judgment is reproduced hereunder:-

*“5. Further, the learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in **Jayrajsinh Digvijaysinh Rana v. State of Gujarat and another, 2012(4) RCR (Criminal) 589** and this Court in **Joginder Singh & another v. State of Punjab and another, CRM-M23739-2010 decided on 27.04.2011, Rajinder Singh v. State of Punjab & another, CRM-M-37395-2016 decided on 16.05.2017, Bhoj Raj v. State of Punjab & another, CRM-24945-2019 decided on 27.09.2019 and Vimal Kara & others v. State of Punjab & another, CRMIM-20355-2022, decided on 25.07.2022** submits that partial quashing of the FIR was possible on the basis of a compromise.”*

Learned counsel submits that none of the petitioners herein have been declared proclaimed offenders.

Notice of motion for 20.10.2023.

At the asking of the Court, Mr. Jaswinder Singh Arora, DAG, Punjab accepts notice on behalf of the respondent No.1-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

At this stage, Mr. Devender Kumar, Advocate causes representation on behalf of respondents No.2 and 3 and files his Power of Attorney, which is taken on record. Learned counsel for respondents No.2 and 3 admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 03.10.2023 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*

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3. *Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

4. *Whether the accused persons are involved in any other case or not.*

5. *The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

A copy of the report be also sent through fax to the Registrar Judicial of this Court.”

3. In compliance of the aforesaid order, a 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 petitioners submits that this is a case of partial compromise as three of the accused persons are currently residing abroad and as and when they would be in a position to travel to India, quashing petition on their behalf would also be filed. Learned counsel for the petitioners submits that in view of the law laid down by Hon’ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Vs. State of Gujrat and Another 2012(4) RCR (Crl.) 589*** and this Court in ***Parmambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256***, partial compromise is permissible.

5. In view of the statement made by learned counsel for respondent No. 2 and well as 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***, ***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. 58 dated 02.04.2021 registered under Sections 323, 354, 148 and 149 of Indian Penal Code at Police Station Nakodar Sadar, District Jalandhar Rural and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

April 15, 2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

(i) Whether speaking/reasoned

Yes/No

(ii) Whether reportable

Yes/No