



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-45843-2024(O&M)
Date of Decision: 06.11.2024

JAGDEEP SINGH AND ORS

....Petitioners

VERSUS

STATE OF PUNJAB AND ANR

....Respondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Ms. Himani Kapila, Advocate for the petitioners.

Mr. Satjot Singh, AAG, Punjab.

Ms. Ramandeep Kaur, Advocate for the respondent no.2.

MANISHA BATRA, J. (Oral)

CRM-40355-2024

The application has been filed for placing on record amended memo of parties in the main case.

For the reasons stated in the application, the application is allowed and the amended memo of parties is ordered to be taken on record.

Learned counsel for respondent no.2 is also present in Court and she has no objection in this regard.

Main Case

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No.224



dated 22.12.2020 under Sections 323, 341, 160, 506 and 149 of IPC (charges framed under Sections 148, 323, 341, 506 and 149 of IPC vide order dated 10.05.2022) registered at Police Station Kalanaur, District Gurdaspur and all the subsequent proceedings arising therefrom, on the basis of compromise dated 18.07.2024 (Annexure P-2).

2. This Court vide order dated 16.09.2024 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 Judicial Magistrate Ist Class, Gurdaspur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 09.10.2024 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 were seven persons namely Jagdeep Singh Kahlon @ Jagdip Singh @ Gabbar, Harpreet Singh alias Deepak Kahlon, Gurpreet Singh @ Jass, Noni Sharma @ Rajneesh Sharma, Manjeet Singh, Avtar Singh and Satnam Singh Bularia @ Satta who have been arrayed as accused in this case, however, through this petition all the accused persons as mentioned above (except Satnam Singh Bularia @ Satta as he has been declared innocent and challan was not filed against him) and the complainant have compromised the matter. Separate statements of present petitioners and



complainant/respondent No.2 as well as the Investigating Officer had been recorded. It is further mentioned in the report that a compromise has been effected between the parties and that the present petitioners have not been declared proclaimed persons 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 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 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 NCPHC 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.224 dated 22.12.2020 under Sections 323, 341, 160, 506 and 149 of IPC (charges framed under Sections 148, 323, 341, 506 and 149 of IPC vide order dated 10.05.2022) registered at Police Station Kalanaur, District Gurdaspur and all subsequent proceedings arising therefrom on the basis of compromise dated 18.07.2024 (Annexure P-2) are quashed qua the petitioners herein only.

06.11.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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