

293

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-48433-2023 (O&M)  
Date of decision: 20.03.2024

Rahul Gill @ Dhanna

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR JUSTICE HARPREET SINGH BRAR

Present: Mr. Jaswinder Singh Rana, Advocate for  
Mr. Deepak Arora, Advocate  
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

Ms. Komal Preet Kaur, Advocate for  
Mr. G.S. Rawat, Advocate  
for respondent No.2.

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HARPREET SINGH BRAR, J.

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.239 dated 07.12.2020 registered under Sections 452, 323, 324, 427, 506, 34 of Indian Penal Code, 1860 (for short 'IPC') and Section 326 IPC (added later on), at Police Station City Gurdaspur, District Gurdaspur and all subsequent proceedings arising therefrom in view of the compromise dated Nil (Annexure P-2).

2. The following order was passed on 15.11.2023: -

*“The present petition has been filed for quashing of FIR No.239 dated 07.12.2020, registered under Sections 452, 323, 324, 427, 506, 34 and 326 (added later on) of the India Penal Code, at Police Station City Gurdaspur, District Gurdaspur, and all subsequent proceedings on the basis of compromise.*

*Notice of motion.*

*On asking of the Court, Mr. Sandeep Singh, Addl. A.G. Punjab, accepts notice on behalf of the State. Mr. G.S. Rawat, Advocate, accepts notice on behalf of the complainant-respondent No.2.*

*Learned counsel for the petitioners is directed to supply copy of the paper book to the counsel opposite during course of the day.*

*Let the parties now appear before the Trial Court/Illaq Magistrate on 06.12.2023 or any other date convenient to the Court for recording their statements with regard to compromise. The Trial court/Illaq Magistrate is directed to record the statements of both the parties to its satisfaction to know the genuineness of the compromise and to assess that the statements are not the result of any pressure or coercion in any manner. The Trial Court/Illaq Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties. It shall also be reported whether petitioners have been declared Proclaimed Offenders in this case or not.”*

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 the petitioner submits that in view of the law laid down by the Hon’ble Supreme Court in *Jayrajsinh Digvijaysinh Rana Vs. State of Gujrat and another, 2012(4) RCR (Crl.) 589* and this Court in *Parambir Singh Gill Vs. Malkiat Kaur, 2010(1) RCR (Crl.) 256*, partial compromise is permissible.

5. In view of the 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.239 dated 07.12.2020 under Sections 452, 323, 324, 427, 506, 34 IPC and Section 326 IPC (added later on), registered at Police Station City Gurdaspur, District Gurdaspur and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

20.03.2024  
vishnu

[ HARPREET SINGH BRAR ]  
JUDGE

Whether speaking/reasoned  
Whether reportable:

Yes/No  
Yes/No