



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

263

CRM-M-49283-2023 (O&M)

Date of decision: 24.09.2024

SURINDER KAUR AND OTHERS

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Avtar Singh Bhatt, Advocate for the petitioners.

Mr. Satjot Singh, AAG Punjab.

Mr. Mohit Piplani, Advocate for
Mr. Vishal Nehra, Advocate for respondent No.2.

MANISHA BATRA. J. (Oral)

1. The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.23 dated 03.04.2023 under Sections 451, 323, 324, 34 IPC registered at Police Station Chabbewal, District Hoshiarpur and all the subsequent proceedings arising therefrom, on the basis of compromise dated 14.05.2023 (Annexure P-2).

2. This Court vide order dated 03.11.2023 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, Hoshiarpur and got their statements



recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.03.2024 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 is one more accused namely, Manish Kumar was nominated in the present FIR. 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 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 Manish Kumar 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 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.23 dated 03.04.2023 under Sections 451, 323, 324, 34 IPC registered at Police Station Chabbewal, District Hoshiarpur and all subsequent proceedings arising therefrom on the basis of compromise dated 14.05.2023 (Annexure P-2) are quashed qua the petitioners herein only.

(MANISHA BATRA)
JUDGE

24.09.2024
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/ No