



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

271

CRM-M-46554-2024 (O&M)

Date of Decision: 04.11.2024

SAHIL KUMAR AND ORS

....Petitioners

VERSUS

STATE OF PUNJAB AND ORS.

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. A.P. Singh, Advocate for the petitioners.

Mr. Satjot Singh, AAG, Punjab.

Mr. Sandeep Kumar, Advocate for
Mr. Amit Kumar, Advocate for respondent no.3.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.34 dated 27.03.2020 under Sections 458, 506, 120-B, 188, 148 and 149 of IPC registered at Police Station Kheri Gandian District Patiala and all the subsequent proceedings arising therefrom, on the basis of compromise dated 02.08.2024 (Annexure P-5).

2. This Court vide order dated 18.09.2024 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.

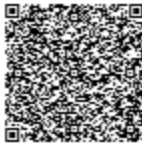
3. Pursuant to the aforesaid order, parties have appeared before the learned Judicial Magistrate 1st Class, Rajpura and got their statements recorded.

On the basis of the statements so recorded, learned Magistrate has submitted



report dated 29.10.2024 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 are six accused namely Jatin Kumar, Karan, Sahil, Satnam Singh, Chetan Kumar and Harchand Singh in this case. However, through this petition only the present petitioners namely Karan, Sahil, Satnam Singh and the respondent no.3/complainant have compromised the matter. Jatin Kumar (Jatin Gogna) Chetan Kumar (Chetan Gogna) and Harchand Singh are neither parties to the compromise nor they have been made parties to the present petition. It is further stated that Jatin Gogna (non-petitioner) has already been convicted by learned Juvenile Court, Patiala in said FIR vide judgment dated 12.07.2022. It is also stated that accused/non-petitioner Harchand Singh has been involved in four different FIRs. Separate statements of present petitioners namely Karan, Sahil, Satnam Singh and complainant/respondent no.2 as well as the Investigating Officer had been recorded.

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.3. 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, 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 as against the petitioners.

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 (Supra)*, this petition is allowed and FIR No.34 dated 27.03.2020 under Sections 458, 506, 120-B, 188, 148 and 149 of IPC registered at Police Station Kheri Gandian District Patiala and all subsequent proceedings arising therefrom on the basis of compromise dated 02.08.2024 (Annexure P-5) are quashed qua the petitioners herein only.

04.11.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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