

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

237

CRM-M No. 60795 of 2023
Date of Decision: 01.03.2024

Manjinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

None for respondent No. 2.

HARPREET SINGH BRAR, J.(ORAL)

1. This is a second petition under Section 482 Cr.P.C. seeking partial quashing of FIR No.109 dated 26.08.2018 registered under Sections 307, 452, 506, 148, 149 IPC and Sections 25 & 27 of the Arms Act, 1959 at Police Station Jhabal, Tehsil and District Tarn Taran (Annexure P-1) and all consequential proceedings arising therefrom in view of compromise dated 28.12.2019 (Annexure P-3) arrived at between the parties, qua the petitioner herein.

2. The following order was passed on 05.12.2023:

“This is a second petition under Section 482 Cr.P.C. seeking partial quashing of FIR No.109 dated 26.08.2018 registered under Sections 307, 452, 506, 148, 149 IPC and Sections 25 & 27 of the Arms Act, 1959 at Police Station Jhabal, Tehsil and District Tarn Taran (Annexure P-1) and all consequential proceedings arising therefrom in view of compromise dated 28.12.2019 (Annexure P-3) arrived at between the parties, qua the petitioner herein.

Learned counsel for the petitioner contends that offence under

Section 307 IPC is not made out against the petitioner, as the perusal of the

allegation levelled in the FIR would show that it is a case of no injury. Two of the co-accused had approached this Court by filing CRM-M No.47803 of 2023 titled as Ajmer Singh alias Kaka and another Vs. State of Punjab and another and the FIR qua them has already been quashed partially on 29.11.2023, in terms of the judgment passed by the Hon'ble Supreme Court in Jayarajsinh Digvijaysingh Rana Vs. State of Gujarat and another 2012 (4) RCR (Criminal) 589 as well as judgment passed by this Court in Parambir Singh Gill Vs. Malkit Kaur 2010 (1) RCR (Criminal) 256.

Notice of motion.

Ms. Navreet Kaur, AAG, Punjab, who is present in Court, accepts notice for respondent No.1-State.

In view of the above, parties are directed to appear before the Illaqa Magistrate/trial Court on 21.12.2023 or any other date convenient to the court concerned for getting the statements of the parties recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- (i) how many total accused are facing the trial;*
- (ii) whether any of the accused was declared proclaimed offender at any stage of trial;*
- (iii) status/stage of the trial/case;*
- (iv) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;*
- (v) to record the statement of Investigating Officer with regard to points No. (i), (ii) and (iii) as above. Report be sent through District and Sessions Judge, before the next date of hearing.*

To await report, adjourned to 01.02.2024.”

3. In compliance of the orders dated 05.12.2023 and 01.02.2024, 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 petitioners submits that in view of the law laid

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.109 dated 26.08.2018 registered under Sections 307, 452, 506, 148, 149 IPC and Sections 25 & 27 of the Arms Act, 1959 at Police Station Jhabal, Tehsil and District Tarn Taran (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioner.

01.03.2024

Rajeev (rvs)

(HARPREET SINGH BRAR)**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No