



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

206

**CRM-M-61794-2023(O&M)
Date of Decision: 23.08.2024**

SUKHWINDER SINGH AND ORS.Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHERRespondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Deepak Verma, Advocate for the petitioners.

Mr. Amandeep Singh Samra, AAG, Punjab.

Ms. Simmy, Advocate for

Mr. Shubhashish Kukreti, Advocate for respondent no.2

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.125 dated 04.07.2020 under Sections 341, 323, 427, 506, 379-B of IPC and Section 411 IPC added later on vide GDD No.18 dated 08.07.2020 registered at Police Station Garhshankar, District Hoshiarpur and all the subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-4) and affidavit of complainant dated 19.10.2023 (Annexure P-5).

2 . This Court vide order dated 23.01.2024 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise. Learned counsel for the petitioners seeks withdrawal of the petition qua petitioner no.3 since vide order dated 23.01.2024, he had been



declared as proclaimed offender and thereby seeks the relief qua petitioners no.1 and 2 only.

3. Pursuant to the aforesaid order, parties have appeared before learned Sessions Judge, Hoshiarpur and got their statements recorded. On the basis of the statements so recorded, learned Sessions Judge has submitted report dated 02.03.2024 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

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 (petitioner no.3) despite being a party to the compromise has failed to get his statement recorded regarding the genuineness of the same and has also been declared a proclaimed offender and the same 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.125 dated 04.07.2020 under Sections 341, 323, 427, 506, 379-B of IPC and Section 411 IPC added later on vide GDD No.18 dated 08.07.2020 registered at Police Station Garhshankar, District Hoshiarpur and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-4) and affidavit of complainant dated 19.10.2023 (Annexure P-5) are quashed qua the petitioners no.1 and 2 herein only.

23.08.2024

Deepak Patwal

**(MANISHA BATRA)
JUDGE**

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