



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

269

**CRM-M No.62779 of 2023
Date of decision: 11.11.2024**

ARVIND @ TIDA

.... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Balkar Singh, Advocate for the petitioner.

Ms. Nidhi Garg, A.A.G., Haryana.

Mr. Deepak Moudgil, Advocate for respondent No.2.

MANISHA BATRA, J. (oral)

1. The present petition has been filed for quashing of FIR No.452 dated 22.11.2023 registered under Sections 147, 149, 379, 427 and 511 of IPC at Police Station Matlauda, District Panipat and all the subsequent proceedings arising therefrom, on the basis of compromise/affidavit dated 09.12.2023 (Annexure P-2).

2. This Court vide order dated 23.09.2024 had directed the parties to appear before the learned trial Court 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, Panipat and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 21.10.2024 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 apart from the petitioner, there are three more accused namely, Sonu, Shyama and Gaurav who were nominated in the present FIR. FIR against accused Sony had been quashed vide order dated 09.09.2024 passed by this Court in CRM-M-4456-2024, Accused Gaurav was arrested and produced before the Court but his bail was cancelled on account of non-appearance and now his case is fixed for 13.02.2025 before the concerned Court. Present petitioner and accused Shyama are yet to be apprehended in the present case but only the present petitioner has approached this Court for quashing of the FIR. Separate statements of present petitioner 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 petitioner has not been declared proclaimed person 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 are 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 petitioner, therefore, partial quashing or part quashing of the FIR qua the petitioner 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.452 dated 22.11.2023 registered under Sections 147, 149, 379, 427 and 511 of IPC at Police Station Matlauda, District Panipat and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 09.12.2023 (Annexure P-2) are quashed qua the petitioner herein only.

11.11.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned:	Yes/No.
Whether reportable :	Yes/No