



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

264

CRM-M-62935-2023(O&M)

Date of Decision: 14.10.2024

ROBIN BEING MINOR THROUGH HIS FATHER BANI SINGH

....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

....Respondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Arun Chander Sharma, Advocate for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Ankit Aggarwal, Advocate for respondents 2 to 4.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.338 dated 02.09.2023 under Sections 148, 149, 323, 324, 506 of IPC (Section 308 of IPC added later on) registered at Police Station Madhuban District Karnal and all the subsequent proceedings arising therefrom, on the basis of compromise dated 19.10.2023 (Annexure P-2).

2 . This Court vide order dated 15.12.2023 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.

2024:PHHC:133838



3. Pursuant to the aforesaid order, parties have appeared before the learned Principal Magistrate, Juvenile Justice Board, Karnal and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.07.2024 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 three offenders namely Kamal Sharma, Sahil and Robin who are arrayed in the present FIR. There is no other proclaimed offender. It is also submitted that juvenile Robin is not involved in any other case. However, through this petition only the present petitioner namely Robin and the complainants have compromised the matter. Separate statements of present petitioner and complainants/respondents 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 respondents No.2 to 4. 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 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*

2024:PHHC:133838



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.338 dated 02.09.2023 under Sections 148, 149, 323, 324, 506 of IPC (Section 308 of IPC added later on) registered at Police Station Madhuban District Karnal and all subsequent proceedings arising therefrom on the basis of compromise dated 19.10.2023 (Annexure P-2) are quashed qua the petitioner.

(MANISHA BATRA)
JUDGE

14.10.2024
Deepak Patwal

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