

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

Date of decision: 13.01.2025

...PETITIONERS

VERSUS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Mr. Raghav Garg, AAG, Punjab.

NAMIT KUMAR ,J. (ORAL)

1. The present petition has been filed under Section 482 of Cr.P.C for quashing an FIR No. 0039 dated 07.04.2016 under Sections 406, 498-A IPC registered at Police Station Anandpur Sahib, District Rupnagar and all proceedings arising thereon, on the basis of affidavit dated 07.08.2023 given by respondent No.3.
2. On 25.07.2024, the following order was passed:-

“1. Present petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.0039 dated 07.04.2016 (Annexure P-1) under Sections 406 and 498-A of IPC, registered at Police Station Anandpur Sahib, District Rupnagar, on the basis of settlement/compromise arrived at between the parties vide compromise deed dated 07.08.2023 (Annexure P-2).

2. Learned State counsel has informed that one of the accused namely Davinder Kaur @ Raja, who is named in the present FIR has been declared as proclaimed offender. She is neither a petitioner in the present petition nor is a signatory to the compromise (Annexure P-2) executed between the parties.

3. *The petitioners are seeking partial quashing of the FIR on the basis of partial compromise.*

4. The Coordinate Bench of this Court has referred the following issues for adjudication to a larger Bench of this



CRM-M-50211-2023 (O&M)

-2-

Court vide order dated 29.02.2024 passed in CRM-M-48043-2023 titled Rakesh Das vs. State of Haryana and another:-

"(i) Whether, bearing in mind the repercussions attached to partial quashing of FIR, on the trial of other co-accused, can a partial compromise yet ably constitute the ground for quashing of FIR, only qua some of the accused?

(ii) Would partial quashing of criminal proceedings, on the strength of partial compromise, elevate the status of victim from that of a stakeholder to that of a driver of the criminal justice system?"

5. The present petition involves similar question of law, as such the present petition is adjourned sine die awaiting the decision of the larger Bench on the aforesaid questions in CRM-M-48043-2023 titled Rakesh Das vs. State of Haryana and another."

3. The Division Bench of this Court in Rakesh Das (Supra) has held that partial quashing of FIR is not maintainable.

4. As per report of the learned Judicial Magistrate Ist Class, Sri Anandpur Sahib dated 09.04.2024, co-accused Davinder Kaur @ Raja has been declared proclaimed offender vide order dated 27.07.2018.

5. Learned State counsel submits that out of 20 witnesses, 7 witnesses have been examined.

6. There is no representation on behalf of the petitioners.

7. In view of the above, the present petition is dismissed for non-prosecution.

13.01.2025
renu

(NAMIT KUMAR)
JUDGE

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