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

**CRM-M-34259-2025**

**Date of Decision:24.07.2025**

**TUSHAR KUMAR AND ANOTHER** ...Petitioners  
**Vs.**

**STATE OF HARYANA AND OTHERS** ...Respondents

**2. CRM-M-35076-2025**

**TUSHAR KUMAR AND ANOTHER** ...Petitioners  
**Vs.**

**STATE OF HARYANA AND OTHERS** ...Respondents

**CORAM:- HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Fanish Kumar Rai, Advocate and  
Mr. Anshul Jain, Advocate  
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Rakesh Sobti, Advocate (through Video Conferencing)  
for respondent Nos. 2 and 3 in CRM-M-35076-2025.

**SANJAY VASHISTH, J. (Oral)**

Both the petitions have been decided by a common order.

1. The present petitions have been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of FIR No. 543 daed 10.09.2024 under Sections 406, 420, 467, 468, 471 and 120-B IPC and FIR No. 596 dated 27.09.2024 under Sections 406, 420 and 120-B, registered at Police Station Sector 10, Gurugram, Haryana.

2. Replies in both the cases dated 23.07.2025, by way of affidavit of Assistant Commissioner of Police, EOW I and II, Gurugram, on behalf of



respondent/State filed in Court are taken on record, copy of which have been supplied to the counsel opposite.

3. Learned State counsel points out that in view of the judgment of Division Bench of this Court in ***CRM-M-48043-2023, Rakesh Das Vs. State of Haryana, decided on 12.11.2024***, partial quashing is not maintainable in view of the fact that there are total 03 accused and 02 of them have filed the instant petitions on the basis of compromise effected between them. In other words, FIRs and consequential proceedings can only be quashed if the compromise is whole and complete *vis-a-vis* all the parties to the proceedings. Here are the cases where the Directors who are real culprits have entered into a compromise but the employees who are admittedly employed by the Directors would still face the consequences of criminal proceedings against them *qua* whom there is no compromise in the matters.

4. Otherwise also, prayer of quashing the FIRs partially *qua* few of the accused appears to be against the basic concept of criminal jurisprudence because exoneration of few of the accused under the same set of allegations may most likely, affect the final decision of the case *qua* the remaining accused. It is so observed, learned trial Court may feel helpless at the stage of final decision, if it is found that proceedings *qua* the actual culprits have already been quashed and now, the remaining accused before it cannot be subjected to the judgment of conviction in the absence of the same treatment with a said actual culprit *qua* whom proceedings have already

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been quashed.

5. In view of the aforementioned circumstances and decision of the Division Bench of this Court and the reasons assigned hereinabove, the present petitions are dismissed.

6. A photocopy of the order be placed on the file of other connected case.

**(SANJAY VASHISTH)  
JUDGE**

**24.07.2025**

**kv**

*Whether speaking/reasoned* : *Yes/No*

*Whether reportable* : *Yes/No*