

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

CRM-M-7674-2016

Date of decision: 19.05.2016

Harman Virk & Ors.

...Petitioners

Versus

State of Punjab & Ors.

...Respondent

CORAM: Hon'ble Mr. Justice M.M.S. BEDI

Present: Mr. Anil Kumar Garg, Advocate
for the petitioners.

Mr. Jashan Preet Singh, AAG, Punjab.

Mr. J.J.S. Uppal, Advocate
for respondents No. 2 to 4.

M.M.S. BEDI, J.(Oral)

Counsel for the petitioners submits that five persons are named in the FIR and challan was presented against Harpreet Singh @ Preet @ Khushpreet Singh, who has been acquitted on the basis of the statement of the complainant made in the Court. The remaining four accused seek quashing of the FIR on the basis of compromise.

On asking of the Court, it has been informed by HC Satinder Singh that challan has not yet been presented against the petitioners. It has been admitted that co-accused of the petitioners has been acquitted on the statement of the complainant. Counsel for respondents No. 2 to 4 has appeared to admit that the matter has been compromised with the petitioners.

In view of the above, I dispose of this petition with a direction that in case the complainant/injured appear before the Investigating Officer with a supplementary statement, the said

statement under Section 163(2) Cr.P.C. shall be recorded by the Investigating Officer. If any statement is offered voluntarily, the Investigating Officer is bound to record the same as per the provisions of Section 163(2) Cr.P.C. In case, any such statement is offered, the same may be recorded by the Investigating Officer and form the opinion to present challan against the petitioners to try them or to file cancellation report. The complainant can appear before the Illaqa Magistrate and present no objection to the cancellation report or in the alternate it is open to the complainant to appear before the Court at appropriate time and depose truth to grant benefit to the petitioners.

19.05.2016
sp

(M.M.S. BEDI)
JUDGE