

240.

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

CRM-M-13248-2017

Date of decision:13.09.2017.

GURWANT SINGH AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J. *(Oral)*

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.73 dated 28.08.2013 under Sections 326, 323, 324, 148, 149 IPC, registered at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.03.2017 (Annexure P-2).

Vide order dated 20.04.2017 passed by this Court, the parties were directed to appear before the trial Court on 29.05.2017 for recording their statements with regard compromise. Since 29.05.2017 happened to be a holiday, one more opportunity was granted to the parties to get their statements recorded in terms of order dated

20.04.2017.

A communication was received from learned Judicial Magistrate Ist Class, Batala that pursuant to the order dated 20.04.2017 whereby the parties were directed to appear before the trial Court to get their statements recorded on 29.05.2017, this date was declared as holiday. Accordingly, the file was put up on the next date of hearing i.e. 30.05.2017. But on 30.05.2017, parties were not present to get their statements recorded and in this manner, statements could not be recorded.

However, vide order dated 04.07.2017, the parties were again directed to appear before the trial Court on 24.08.2017 to get their statements recorded in terms of order dated 20.04.2017.

Now report dated 09.09.2017 has been received from learned Judicial Magistrate Ist Class, Batala. As per the report, the counsel for the accused appeared and got his (accused's) statement recorded to the effect that though earlier complainant had compromised the matter with the accused, but lateron said compromise failed and the complainant did not appear before the court to get his statement recorded, as directed by the Hon'ble High Court.

Since the very petition seeking quashing of FIR was based on compromise and as reported by learned Magistrate in her communication dated 09.09.2017 that the complainant has not come forward to suffer a statement in support of compromise, present petition is no more survives.

In view of above, present petition is dismissed.

However, in case, the parties agree to compromise the matter, petitioners are at liberty to file a fresh petition.

(HARI PAL VERMA)
JUDGE

13.09.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No