

CRM-M-7661-2019 (O&M)

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

**CRM-M-7661-2019 (O&M).
Decided on: May 10, 2019.**

Gurdev Singh and another

.. Petitioners

VERSUS

State of Punjab and another

.. Respondents

*** * ***

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

*** * ***

**PRESENT Mr.Naveen Batra, Advocate,
 for the petitioners.**

Mr.C.L.Pawar, Sr. D.A.G. Punjab.

MAHABIR SINGH SINDHU, J. (ORAL)

The present petition under Section 482 Cr.P.C. has been filed by the petitioners seeking quashing of FIR No.117 dated 2.7.2016, under Sections 406 and 420 of the Indian Penal Code (for short 'the IPC') registered at Police Station, Mukerian, District Hoshiarpur (Annexure P1) on the basis of compromise dated 30.1.2019 (Annexure P2)

On 20.2.2019, while issuing notice of motion, the following order was passed by this Court:-

*“Contends that the matter has been compromised
between the parties.*

Notice of motion.

Ms. Rajni Morya, Advocate appears on behalf of respondent no.2 and files memo of appearance, same is taken on record. She undertakes to file the vakalatnama in the registry.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent no.1. Copy of the petition supplied to him.

Learned Counsel for the petitioners as well as respondent No.2 jointly stated that the matter has been compromised between the parties.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 12.03.2019 to get their statements recorded with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/trial Court is requested to record the statements of all accused, complainant/injured and victim, if any and submit a report along with the recorded statements to this Court before the next date of hearing containing the following information:-

(i) Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.

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(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.

(vi) Whether any of the petitioner(s) is/are previous convict or not?.

List before this Court on 28.03.2019 for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”

In pursuance to above order, learned Sub Divisional Judicial Magistrate, Mukerian, has sent the report dated 19.3.2019, according to which the compromise has been effected only with two accused i.e. Gurdev Singh & Baldev Singh by complainant Sukhdev Singh; whereas third accused namely, Baljinder Singh is not a party to the compromise; rather declared as proclaimed offender. The report further reveals that petitioner Gurdev Singh is a previous convict in FIR No.199 dated 26.8.2012, registered under Section 307 IPC and under Section 25/54/59 of the Arms Act, Police Station Dinanagar and petitioner Baldev Singh was also declared a proclaimed offender in this case, but joined proceedings on 11.2.2019.

In view of above, counsel for the petitioners, seeks permission to withdraw the petition, at this stage.

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Ordered accordingly.

(MAHABIR SINGH SINDHU)
JUDGE

May 10, 2019.
raj arora

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