

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

CRM-M-8711 of 2019.

Decided on:- February 19, 2020.

Harpal Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- None for the petitioner.

Ms. Ruchika Sabharwal, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.PC is for quashing of the FIR No.270 dated 13.11.2015 under Sections 363 and 366-A IPC registered at Police Station Chherretta, District Amritsar City (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 20.02.2019 (Annexure P-2).

This Court, while issuing notice of motion, vide order dated February 27, 2019 had directed the parties to appear before the Illaqa Magistrate/trial Court for recording their statements with regard to compromise on 28.03.2019. However, a communication dated 27.05.2019 had been received from learned Judicial Magistrate 1st Class, Amritsar to the effect that as the parties had not appeared, their statements could not be recorded. Accordingly, vide order dated May 28, 2019, one more opportunity was granted to the parties to get their statements recorded in terms of order dated 27.02.2019 passed by this Court, however, subject to payment of costs of Rs.5,000/- to be deposited with the Punjab Legal Services Authority.

Again a communication dated 24.09.2019 had been received from learned Judicial Magistrate 1st Class, Amritsar that on 24.07.2019, the parties did not appear there for recording their statements. Accordingly, vide order dated September 25, 2019, this Court had granted one more opportunity to the parties to get their statements recorded with regard to the compromise on 20.11.2019, however, subject to payment of costs of Rs.5,000/- to be deposited with the Punjab Legal Services Authority and the case was adjourned for today.

The communication dated 17.02.2020 received from Judicial Magistrate 1st Class, Amritsar shows that none of the parties had appeared there for the purpose of getting recorded any statement in pursuance to the order dated 25.09.2019 passed by this Court.

Thus, it is clear that despite having been granted 3 different opportunities to the parties to get their statements recorded before the Illaqa Magistrate/trial Court, the parties have failed to appear there, which shows that there is no compromise between them.

Dismissed for non-prosecution.

However, in case, the petitioner finds that the matter has been compromised, he would be at liberty to file a fresh petition seeking quashing of the FIR in question on the basis of compromise.

February 19, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No