

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

204

CRM-M-22876 of 2020

Date of decision:5.10.2020

Surya Hedge and others

... Petitioners

versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Vikram Chaudhari, Sr.Advocate, with
Mr.Rahil Mahajan, Advocate,
for the petitioners
Mr.Harbir Sandhu, AAG, Punjab
Mr.Gaurav Kathuria, Advocate,
for respondent no.2.

...

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

On 17.8.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioners seek quashing of FIR No.199, dated 30.7.2020, registered for the alleged commission of offences punishable under Sections 420/406/120-B of the IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014, at Police Station Civil Lines, Police Commissionerate, Amritsar, as also all other subsequent proceedings arising therefrom, on the basis of a

compromise arrived at between the petitioners and respondent no.2, as per the affidavit of respondent no.2 (Copy Annexure P-2).

Notice of motion.

Mr.M.S.Dullat, learned Addl.AG, Punjab, accepts notice on behalf of respondent no.1 at the asking of the court, with Mr.Gaurav Kathuria, Advocate, also appearing for the complainant, i.e. respondent no.2.

Adjourned to 5.10.2020.

In the meanwhile, petitioner no.3, as also respondent no.2, are directed to appear before the learned Chief Judicial Magistrate/Duty Magistrate, Amritsar, on 3.9.2020 to record their statements in respect of the compromise reached, with permission also granted to petitioners no.1, 2 and 4 to appear before that court by means of video conferencing as they are not living in Amritsar and it may not be advisable to travel long distances during the period of the current pandemic.

Consequently, petitioners no.1, 2 and 4 are directed to appear via video conferencing before the learned Chief Judicial Magistrate/Duty Magistrate, Amritsar, on 3.9.2020, at 11.00 am, so that even the person in Canada, i.e. petitioner no.2, can appear at 10.30 pm as per his local time.

If for some reason the video conferencing cannot take place on 3.9.2020, then the learned Chief Judicial Magistrate/Duty Magistrate would fix another date for

recording the statements of the petitioners, as also respondent no.2, keeping in mind the fact that as regards petitioner no.2, the time in British Columbia (Canada) is 12-1/2 hours behind Indian Standard Time.

The learned Chief Judicial Magistrate/Duty Magistrate would satisfy herself/himself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send her/his report to this court, before the next date of hearing.

Learned State counsel would also verify whether there are any criminal cases, of like nature or otherwise, pending against the petitioners.

In the meanwhile, since the parties have arrived at a compromise with each other, no coercive action shall be taken against the petitioners by the respondent-State, till the next date of hearing.”

Pursuant to the aforesaid order, the report of the learned JMJC, Amritsar, dated 22.9.2020, has been received, stating therein that the complainant (respondent no.2) appeared before that court in person, alongwith petitioner no.3, Jaideep Singh Madaan, and with petitioners no.1, 2 and 4 having appeared by way of video conferencing. They all got recorded their statements in respect of the compromise reached between the parties, with the complainant also stating that he does not want to proceed against the persons accused in the FIR and has no objection if the criminal

proceedings are quashed.

As per the assessment of the learned Magistrate, the compromise has been arrived at of the free will of the parties.

It has further been recorded in the report that the ACP (North), Amritsar City, also recorded a statement to the effect that he being the investigating officer, had verified that there are no other criminal cases registered against the petitioners.

That being so, I would see no purpose in continuing criminal proceedings against the petitioners.

Consequently, this petition is allowed, with FIR No.199, dated 30.7.2020, registered for the alleged commission of offences punishable under Sections 420/406/120-B of the IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014, at Police Station Civil Lines, Police Commissionerate, Amritsar, alongwith all other subsequent proceedings arising therefrom, hereby quashed.

5.10.2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No