

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.1963 of 2021 (O&M)

Date of Decision:09.11.2021

Surmukh Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

None for respondent No.2.

JAISHREE THAKUR, J. (ORAL)

This Court is sitting in hybrid mode and no one has put in appearance on behalf of the petitioner or respondent No.2.

The present petition has been filed under Section 482 Cr.P.C. for quashing of the case FIR No.46 dated 15.04.2020 registered under Section 326-B IPC at Police Station Sadar Rajpura, District Patiala (Annexure P-1) and all consequential proceedings on the basis of compromise dated 25.06.2020 arrived at between the parties(Annexure P-2).

Counsel for the petitioner had put in appearance and had sought quashing of the FIR based on the compromise. By an order dated 14.01.2021, notice of motion was issued to both the respondent-State and private respondent No.2.

On 17.02.2021, respondent-State had filed a reply, wherein objection had been taken that FIR could not be quashed as the offence is non-compoundable. Counsel for the parties had sought time to address

aguments and the matter was adjourned to 09.08.2021.

The matter was again taken up on 16.09.2021, on which date there was no appearance on behalf of the petitioner or repondent No.2. Two applications had been filed on behalf of the complainant-respondent No.2 i.e. CRM No.29570 of 2021 for preponing the hearing of the main case and other i.e. CRM No.29571 of 2021 for withdrawing power of attorney on behalf of the complainant-respondent No.2. The complainant in her affidavit had submitted that she had been thrown out of her matrimonial home after being given several beatings and therefore, the terms and conditions of the compromise arrived at between the parties have not been adhered to. Notice of the said application was issued to the petitioner for 09.11.2021 i.e. today, the date already fixed in the main petition.

As noticed above, no one has put in appearance on behalf of the petitioner and therefore, taking into account the affidavit of respondent No.2 that the compromise between the parties is not in effect, there would be no ground for this Court to interfere in the instant petition which has been filed for quashing on the basis of compromise.

Consequently, the instant petition stands dismissed.

Since the main case itself has been dismissed, all the misc. applications stand disposed of.

November 09, 2021
P.Bhatt

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No