

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(236)

CRM-M-2884-2022

Date of decision: - 28.02.2022

Sunil Kumar @ Ashish Yadav and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rahul Bhargava, Advocate, for the petitioners.

Mr. H.S. Multani, AAG, Punjab.

Ms. Pratula Sethi, Advocate, for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.104 dated 21.05.2019 registered under Sections 323, 452, 148, 149 of the Indian Penal Code, 1860 at Police Station Phase-1, District SAS Nagar, Mohali (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 04.02.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.104 dated 21.05.2019 registered under Sections

323, 452, 148, 149 of the Indian Penal Code, 1860 at Police Station Phase-1, District SAS Nagar, Mohali (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 15.12.2021(Annexure P-2).

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 28.02.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the respondent-State and Ms. Pratula Sethi, Advocate appears on behalf of respondent No.2.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

As per the report of the Chief Judicial Magistrate, SAS Nagar (Mohali), apart from respondent No.2, there are two more victims in the present FIR, namely, Baljit Kaur wife of Surjit Singh and Simranpreet daughter of Surjit Singh, however, the said persons had not been made parties either to the compromise or in the present petition.

In view of the above, learned counsel for the petitioners seeks permission of this Court to withdraw the present petition with

liberty to file a fresh petition after impleading the above-said persons/victims as necessary parties and after annexing the compromise signed by all the complainants/victims.

In view of the statement made by learned counsel for the petitioners, the present petition is dismissed as withdrawn, with liberty aforesaid.

February 28, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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