

239 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14823-2021 (O&M)

Date of decision : 21.12.2022

Rajesh & anr.

..... Petitioners

versus

State of Haryana & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Ms. Shveta Sanghi, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

None for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.0262 dated 08.09.2020, registered for offences punishable under Sections 394 IPC and Section 25 of the Arms Act, 1959 at Police Station Uchana, District Jind, Haryana (FIR was initially registered under Section 379-B IPC, later on police deleted Section 379-B & added Section 394 IPC & Section 25 of Arms Act, 1959) along with all consequential proceedings arising therefrom, on the basis of compromise/settlement arrived at between the parties.

On 14.09.2022, the following order was passed :-

“Reply by way of affidavit of Jitender Singh, Deputy Superintendent of Police, City Jind, District Jind has been filed on behalf of respondent No.1. The same is taken on record.

Counsel for the petitioners relies upon 'Criminal Appeal No.2094 of 2011 titled as Shiji @ Pappu and others vs. Radhika and another' to submits that FIR registered for offence punishable under

Section 394 can only be quashed while exercising jurisdiction under Section 482 Cr.P.C.

Mr. Gursevak Singh, Advocate for Mr. D.P.S. Bajwa, Advocate appears for respondent No.2 and admits the fact of there being compromise between the parties.

*In view of the above, the parties are directed to appear before learned Illaqa Magistrate/trial Court on **29.09.2022**.*

On their doing so, the learned Illaqa Magistrate/trial Court shall record their statements and furnish its report to this Court by the next date of hearing on the following aspects:-

- 1. Number of persons arrayed as accused in the FIR.*
- 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 case 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.*

*List on **21.12.2022**.*

A copy of the report be also sent to the Registrar Judicial of this Court.

Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the learned Illaqa Magistrate/trial Court shall be at liberty to call the parties on any other date but not later than a week thereafter.”

Pursuant to the aforesaid order, report dated 11.10.2022 from Sub Divisional Judicial Magistrate, Narwana has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

*“ In compliance with the aforesaid order and application filed on behalf of accused for recording statement of parties, court notice to complainant was issued on 3.10.2022 for 10.10.2022 and **on 10.10.2022 complainant Jasbir appeared in the court through his counsel and suffered a statement that he has not entered into***

compromise with the accused and wants to proceed with the present case as per law.”

After perusal of the report dated 11.10.2022 above, it is apparent that compromise has not been effected between the parties, which is also admitted by the learned counsel for the petitioners.

Consequently, the petition is dismissed.

(PANKAJ JAIN)
JUDGE

21.12.2022
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No