

**138 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

CRM-M-14245-2022 (O&M)
Date of Decision: 26.07.2022

AJIT PAL SINGH AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Robin Singh, Advocate
for the petitioners.

VIVEK PURI J. (Oral)

The petitioners are seeking to quash the FIR No. 30 dated 12.04.2012 under Sections 406, 498-A, 494 IPC and later on added Section 354 IPC by the learned trial Court registered at Police Station Gidderbaha District Sri Muktsar Sahib (Annexure P-1) on the basis of compromise.

On 05.04.2022, following order was passed:-

"The petitioners are seeking to quash the FIR No. 30 dated 12.04.2012 under Sections 406, 498-A and 494 IPC, later on Section 354 IPC was added, registered at Police Station Gidderbaha, District Sri Muktsar Sahib on the basis of compromise.

In Para No.19 of the petition, it has been specifically and categorically mentioned that no such or similar petition is pending or instituted in this court.

Learned counsel for the petitioners seeks time to verify with regard to petition bearing CRM-M-6270-2018 instituted by the petitioner No.4.

Adjourned to 26.07.2022."

Thereafter the petitioners have moved an application bearing CRM-14608-2022 for withdrawal of the main petition.

Learned counsel for the petitioners contend that in fact the petitioner No. 4 had instituted CRM-M-6270 of 2018 for quashing the

FIR, however, this fact could not be mentioned in this petition due to bona fide error. Accordingly, learned counsel has sought to withdraw the petition with liberty to file fresh one with better particulars.

In the instant case, the petitioners have approached the Court by concealing the material fact with regard to the institution of the earlier petition seeking the similar relief by one of the petitioners i.e. petitioner No. 4. The aspect of approaching the Court by concealing the material facts is a circumstance which cannot be considered lightly. However, it has to be borne in mind that the matrimonial dispute is stated to be amicably settled between the parties.

In these set of circumstances, the petition is dismissed as withdrawn with liberty to file fresh one on the same particulars. However, this order is subject to the condition that the petitioners shall deposit the costs to the tune of Rs. 10,000/- in the High Court Lawyers Welfare Fund, High Court Chandigarh.

26.07.2022
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No