

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20230-2022
Reserved on: 28.07.2022
Date of Pronouncement: 20.09.2022

Sabar Hussain @ Sabi @ Laddi & anr.
...Petitioner (s)
Versus
State of Punjab & another
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Sahil Puri, Advocate
for the petitioner(s).

Mr. H.S. Sitta, DAG, Punjab.

Mr. Rohit Rana, Advocate
for respondent no.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
221	8.8.2017	Sultanpur Lodhi, District Kapurthala	420, 467, 468, 120-B IPC

The petitioners, arraigned as accused in the above captioned FIR, have come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person.

2. During the pendency of the petition, the complainants and the accused have compromised the matter, and the complainants gave affidavits (Annexure P-2).

3. After that, the petitioners came up before this Court to quash the FIR, and in the quashing petition, impleading the aggrieved person as respondent.

4. On 31.05.2022, the complainants Jaswant Singh, Tarsem Singh, Shingara Singh, Kulwant Singh, and Satnam Singh stated before the SDJM Sultanpur Lodhi, Kapurthala and stated that there would be no objection if the court quashes this FIR and consequent proceedings. As per the concerned court's report dated 15th June 2022, there are other aggrieved persons who were not arraigned as respondents. In fact, a number of aggrieved persons appeared before the court and stated that they were also aggrieved persons and the petitioner did not return their money.

5. Since all the victims did not state about their no objection to the compromise and also the reasons which led to the compromise, as such this court cannot proceed further in this matter.

6. Given above, the petition is dismissed. However, since the petitioner stays abroad, as such he shall be at liberty to appear through his counsel on all dates; however, if he is convicted then at the time of awarding of sentence, he shall have to appear in person. Thus, the accused may send a signed declaration to the concerned court through his counsel/Advocate, declaring that he shall not claim any prejudice due to his absence in trial and appearance through his counsel and that in case of conviction, he shall surrender to serve the sentence, if any. Furthermore, it shall also be permissible to the petitioner to enter into a compromise with the remaining aggrieved persons, and file a quashing petition, and if a new petition is filed, then there shall be no need to re-examine the complainants, and copies of their statements shall suffice.

7. Since all the complainants have already compromised their disputes with the petitioner and have testified in this regard, as such the trial be expedited.

Petition disposed of in the terms mentioned above, with liberty reserved.

(ANOOP CHITKARA)
JUDGE

September 20, 2022
AK

Whether speaking/reasoned:
Whether reportable:

Yes
No.