

232 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14795-2019 (O&M)
Date of decision : 21.12.2022

Harmandeep Singh

..... Petitioner

versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ashok Paul Batra, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

Mr. Shivender Sharma, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioner is seeking quashing of FIR No.0328 dated 27.09.2017, registered for the offence punishable under Section 379 IPC at Police Station Zirakpur, District SAS Nagar, Mohali, on the basis of compromise dated 22.01.2019 (Annexure P-4).

On 20.01.2020, the following order was passed :-

“In terms of order dated 01.04.2019 passed in CRM-M-14795-2019, the parties were directed to appear before the learned Illaqa/Duty Magistrate on 11.04.2019 to get their statements recorded with regard to compromise.

As per report of learned Judicial Magistrate 1st Class, Dera Bassi, the statements (in CRM-M-14795-2019) could not be recorded on account of non-appearance of the parties.

Learned counsel for the petitioner(s) seeks some more time for recording the statements of the parties with regard to compromise before the learned Illaqa/Duty Magistrate.

Accordingly, in terms of order dated 01.04.2019 passed in CRM-M-14795-2019, the parties are again directed to appear before

the learned Illaqa/Duty Magistrate on 12.03.2020 and get their statements recorded with regard to compromise.

To await the report, list again on 23.04.2020.

Photocopy of this order be placed on the connected file.”

Pursuant to the aforesaid order, report from Judicial Magistrate 1st Class, Derabassi dated 03.05.2019 has been received, which is taken on record. As per the report, the trial Court has recorded as follows :-

“With reference to above stated subject; report of this Court was called by Hon'ble Punjab & Haryana High Court vide order dated 01.04.2019. The Hon'ble High Court in CRM-M-14795 of 2019 had directed the parties to appear and record their statements of compromise on 11.04.2019. On 11.04.2019, neither complainant nor accused had come present. Despite issuance of several notices, the complainant did not turn up for recording his statement. It is pertinent to mention here that accused Harmandeep Singh is not appearing in the present case since long and proclamation proceedings against him has already been initiated. Even, on 12.04.2019; Power of Attorney holder of accused had come present and not the accused. Therefore, due to the absence of parties to compromise the undersigned is unable to report regarding genuineness of compromise alleged by the petitioner. Compliance report in this regard is being sent to Hon'ble High Court, as sought in CRM-M-14795 of 2019.”

After perusal of the report dated 03.05.2019 above, it is apparent that compromise has not been effected between the parties, which is also admitted by the learned counsel for the petitioner.

Consequently, the petition is dismissed.

(PANKAJ JAIN)
JUDGE

21.12.2022

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No