

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35502-2018
Date of decision : 22.12.2022

Shivam and others

....Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : None for the petitioners.

Mr. R.K. 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.493, dated 11.05.2018 registered for the offences punishable under Sections 323, 379B and 506, at Police Station Central, Faridabad, (Annexure P-1) on the basis of compromise.

2. On 18.08.2018, the following order was passed :-

“The present petition has been filed for quashing of FIR No. 493 dated 11.5.2018 under Sections 323, 379B and 506, registered at Police Station Central, Faridabad, on the basis of compromise.

Notice of motion.

On asking of the Court, Mr. Surender Singh, AAG, Haryana accepts notice on behalf of the State. Mr. Manoj Sharma, Advocate accepts notice on behalf of respondent No.2.

Let the parties now appear before the Trial Court on 5.9.2018 or any other date convenient to the Court for recording

their statements with regard to compromise. The trial Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial Court is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal proceedings are pending against either of the parties or not, before the next date of hearing.

Adjourned to 9.10.2018. ”

3. Pursuant to the aforesaid order, report from the District & Sessions Judge, Faridabad dated 19.09.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“As per order dated 18.08.2018, the parties had been directed to appear before the trial court on 05.09.2018 or on any other date convenient to the Court for recording their statements with regard to compromise. However, neither on 05.09.2018 nor at any subsequent date, the parties appeared before the trial court for getting their statements recorded. Thereafter, the case was committed to the Court of Sessions for trial which was assigned to the Court of Sh. J.B. Gupta, the then Ld. Additional Sessions Judge, Faridabad. Charge was framed against the accused on 03.01.2019 and thereafter, case was adjourned for recording of the evidence. Despite several adjournments for leading the prosecution evidence, none of the parties appeared to get their statements with regard to compromise recorded. The trial was received by transfer in the Court of undersigned on 28.09.2021 and even thereafter, the parties have not appeared to get their statements recorded. During pendency of trial, the complainant Deepak has been examined as PW-10 and a witness, namely, Sanjay Kumar has been examined as PW-11, but PW-10 Deepak has not supported the prosecution case. In this manner, the complainant has already been examined as prosecution witness, but no statement has been got recorded regarding

compromise...”

4. Perusal of the aforesaid report reveals that despite opportunities, the parties never appeared before the Court below for recording of their statements w.r.t. compromise. Today, neither counsel for the petitioners nor respondent No.2 has come present. This shows that they are no more interested in pursuing the present petition.
5. Consequently, the present petition stands dismissed.

December 22, 2022	(PANKAJ JAIN)
Dpr	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No