

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-20502-2022

Date of decision : 31.05.2022

Daljit Singh alias Bittu and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Satnam Singh Thakur, Advocate
for the petitioners.

Mr.M.S.Nagra, AAG, Punjab.

Mr.Anshul Sharma, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a second petition under Section 482 Cr.P.C. for quashing of the order dated 07.01.2022 passed by the Judicial Magistrate Ist Class, Gharshankar, in FIR no.113 dated 26.06.2021 registered under Sections 323, 324, 325, 148, 149 IPC (Section 326 IPC added later on) at Police Station Mahilpur, Gharshankar, Hoshiarpur vide which the petitioners have been declared proclaimed offender.

On 13.05.2022 this Court was pleased to pass the following order:-

“This is the second petition for quashing of the impugned order dated 7.1.2022 (Annexue P-1), passed by the learned Judicial Magistrate First Class, Gharshankar, in FIR No.113 dated 26.6.2021, under Sections 323, 324, 325, 148 and 149 IPC (Section 326 IPC added later on) registered at Police Station

Mahilpur, Gharshankar, Hoshiarpur.

Learned counsel for the petitioners and respondent No.2 have jointly submitted that in the present case a compromise has been effected and the petitioners have already filed CRM-M-19955 of 2022 for quashing on the basis of compromise in which notice of motion has already been issued with direction to the parties to appear before the learned trial Court. It is submitted that since the petitioners were declared proclaimed offenders, it would be difficult for them to appear before the Court to make statements in respect of the compromise.

Notice of motion.

Operation of the impugned order dated 7.1.2022 (Annexure P-1), is stayed.

In case the petitioners appear before the learned trial Court to make statements in respect of the compromise, the trial Court would record the same and would release them on interim bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

To be heard along with CRM-M-19955-2022.

List on 31.5.2022.”

The above said case was ordered to be heard along with CRM-M-19955-2022 which was the main petition filed under Section 482 Cr.P.C. for quashing of the FIR on the basis of compromise. The said case has been allowed as in pursuance of the order passed by this Court, the report had been submitted by the Judicial Magistrate Ist Class, Garshankar to the effect that the compromise has been found genuine and bonafide.

Learned counsel for respondent no.2 has submitted that the matter has been compromised and he has no objection in case the present petition is allowed.

Keeping in view the above said facts and circumstances moreso, the fact that the matter has been compromised and the aforesaid FIR no.113 dated 26.06.2021 registered under Sections 323, 324, 325, 148, 149 IPC (Section 326 IPC added later on) at Police Station Mahilpur, Gharshankar, Hoshiarpur has been quashed on the basis of compromise in a separate petition filed by the petitioner, the present petition is allowed and the impugned order dated 07.01.2022 is set aside.

(VIKAS BAHL)
JUDGE

May 31, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No