

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

287/2

CRM M-23817 of 2022

Date of Decision: July 26, 2022

Jeewan Parkash Walia and others

...Petitioners

Vs.

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Sarabjit S. Cheema, AAG, Punjab.

Ms. Prabhjot Kaur, Advocate for
Mr. Prateek Pandit, Advocate
for respondent No.2.

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of cross-case registered vide Report No.41 dated 05.08.2017 registered under Sections 323, 324, 452, 148, 149 of the Indian Penal Code, 1860 at Police Station City Kapurthala, District Kapurthala in FIR No.201 dated 29.07.2017 registered under Sections 323, 324, 452, 427, 148, 149 of IPC at Police Station City Kapurthala, District Kapurthala and all the subsequent proceedings arising therefrom on the basis of compromise.

On 30.05.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of cross-case registered vide Report No.41 dated 05.08.2017 registered under Sections 323, 324, 452, 148,

149 of the Indian Penal Code, 1860 at Police Station City Kapurthala, District Kapurthala in FIR No.201 dated 29.07.2017 registered under Sections 323, 324, 452, 427, 148, 149 of IPC at Police Station City Kapurthala, District Kapurthala and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 26.07.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Prateek Pandit, Advocate appears on behalf of respondent No.2.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of six weeks.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

To be heard alongwith CRM-M-23299-2022.

In pursuance of the said order, the report has been submitted by the Chief Judicial Magistrate, Kapurthala. The learned Chief Judicial Magistrate, Kapurthala vide report dated 21.07.2022 has reported that other than respondent No. 2 Sumesh Singh @ Sunny there is one more victim namely Harbhajan Singh who has not been made a party nor has given his statement in respect of the compromise.

Learned counsel for the petitioner seeks to withdraw the present petition with liberty to file a fresh petition after making all necessary persons parties and after entering into a compromise with all the said persons.

Dismissed as withdrawn.

July 26, 2022

amit rana

(VIKAS BAHL)

JUDGE

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