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

CRM-M-25723-2022 (O&M)
Date of decision : 10.10.2022

Harbans Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Tanvir Singh Grewal, Advocate for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.345 dated 30.09.2021 registered under Sections 420, 465, 467, 468, 120-B of the Indian Penal Code, 1860 and Section 82 of the Registration Act, 1908, at Police Station City Kharar, District SAS Nagar, Punjab and all the subsequent proceedings arising therefrom on the basis of compromise.

On 07.09.2022, the following order was passed by this Court:-

“Learned counsel for the petitioners has submitted that the petitioners have deposited the amount of Rs.5000/- in pursuance of the order dated 04.08.2022 but stated that the parties could not appear before the Illaqa Magistrate/trial Court to get their statements recorded and prays for one last opportunity to get the statements of

parties recorded.

Adjourned to 10.10.2022.

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

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.*

However, since the statement of the parties could not be recorded as the respondents have not appeared before the Illaqa Magistrate/trial Court in spite of giving direction, thus, the abovesaid opportunity is granted, subject to the payment of costs of Rs.5,000/- which shall be deposited by the petitioners in the High Court Lawyers' Welfare Fund, within a period of 10 days from today.

The trial Court shall only record the statements of parties on production of the receipt of said payment.

It is made clear that if the said amount is not deposited within the stipulated period of time, then the present petition would be deemed to have been dismissed.”

Learned counsel for the petitioners has very fairly submitted that the parties, in pursuance of the abovesaid order, had not appeared before the trial Court and had not deposited an amount of Rs.5,000/- with

the High Court Lawyers' Welfare Fund and thus, seeks permission of this Court to withdraw the present petition with liberty to file a fresh petition in case, the compromise is still effectual and the parties are ready to get their statements recorded in support of the compromise and after the parties comply with the condition of deposit of Rs.5,000/- with the High Court Lawyers' Welfare Fund.

In view of the statement made by learned counsel for the petitioners, the present petition is dismissed as withdrawn with liberty aforesaid.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid order.

10.10.2022

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**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No