

CRM-M-34594-2021

Reserved on : 27.07.2022

Pronounced on: 01.09.2022

Lovely Kumar

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Naveen Sharma, Advocate for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
359	30.10.2019	Division No.8, District Police Commissionerate Ludhiana	420 IPC & Section 24 of Immigration Act

The petitioner, arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 Cr.P.C. for quashing of the FIR and all consequential proceedings based on the compromise with the victim(s).

2. The gist of the allegations against the petitioner is that the complainant (respondent No.2) made a statement before the police and based on such statement, the police registered the FIR captioned above. Needless to mention all the details and it is sufficient to say that the parties have entered into a compromise.

3. During the pendency of the petition, the accused and the injured have compromised the matter, and its copy is annexed with this petition as Annexure P-2. After that, the petitioner came up before this Court to quash the FIR, and in the quashing petition, the injured have been impleaded as respondent.

4. On the prayer of the parties in the present petition, the Court had permitted the parties to appear before the concerned Court to record their statements. As per the concerned Court's report, the accused did not come present and the veracity of the compromise could not be ascertained.

ANALYSIS & REASONING:

5. As per the report of the concerned Judicial Magistrate, the complainant’s counsel had appeared and moved an application for recording the statement but no such statement is annexed with the report. In the absence of the statement, the veracity of compromise cannot be ascertained.

6. Given above, the matter cannot be compromised. However, it shall be open for the accused to apply to this court seeking another opportunity to make complainant/victim appear before the concerned court to record their no-objection statement.

Petition dismissed in the terms mentioned above. Liberty is reserved to file a fresh petition. All pending applications, if any stand closed.

(ANOOP CHITKARA)
JUDGE

01.09.2022
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.