

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236

CRM-M-32712-2020
Decided on : 29.07.2022

Jagjeet Kaur and others

. . . Petitioners

Versus

State of Punjab and another

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Simranjeet Singh Sarwara, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. S. P. S. Chakkal, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 89 dated 29.07.2020 under Sections 419, 420, 464, 468, 471 and 120-B of the Indian Penal Code, 1860 registered at Police Station Banur, District Patiala (Annexure P-1) and all subsequent proceedings arising on the basis of the compromise.

Notice of motion was issued and the report of the trial Court/Illaq Magistrate was called for after recording the statement of the parties concerned. In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Rajpura to the Registrar General of this Court. The relevant portion of the said report is reproduced hereinbelow:-

“In this regard Investigating Officer Jaswinder Pal, 2668/PTA, PS. Banur was called by this Court and he suffered a statement that affected/victim persons in the present FIR were Bhajan Kaur and Sankari. Bhajan Kaur has died and the legal heirs of Bhajan Kaur are:

- 1. Ajit Singh (son)*
- 2. Dalbir Singh (grandson)*
- 3. Bhupinder Singh (son)*
- 4. Ajaib Kaur (daughter)*
- 5. Gurmel Kaur (daughter)*
- 6. Sukhdev Singh (maternal grandson)*
- 7. Harbhajan Singh (maternal grandson)*
- 8. Gurmeet Kaur (maternal grand daughter)*
- 9. Babli (maternal grand daughter)*
- 10. Avtar Singh (maternal grandson)*
- 11. Amrik Singh (maternal grandson)*
- 12. Surinder Kaur (maternal grand daughter)*
- 13. Balwinder Kaur (maternal grand daughter).*

Statements of Legal Heirs of Bhajan Kaur namely Bhupinder Singh (son), Ajit Singh (son), Dalbir Singh (grandson), Ajaib Kaur (daughter), Amrik Singh (maternal grandson), Avtar Singh (maternal grandson), Surinder Kaur (maternal grand daughter), Gurmail Kaur (daughter) and Balwinder Kaur (maternal grand daughter) have been recorded. Vide which they have stated that they have no objection if the present FIR is quashed. Except these statement of remaining Legal Heirs of Bhajan Kaur namely Sukhdev Singh (maternal grandson), Harbhajan Singh (maternal

grandson), Gurmeet Kaur (maternal grand daughter), Babli (maternal grand daughter) are yet to be recorded. Despite serious efforts of Investigating Officer the above named LRS of Bhajan Kaur have not come present in the Court and refused to make any statement.

The compliance report along with statements of parties recorded by the undersigned and compromise are submitted herewith for onward transmission to the Hon'ble Punjab & Haryana High Court, Chandigarh.

Submitted please.”

A perusal of the said report would show that other than the complainant Sankari, even Bhajan Kaur is also shown as victim, who has died and all her legal representatives have not given their statements in support of the compromise.

In view of the above, present petition is dismissed.

However, liberty is granted to the petitioners to file a fresh petition for quashing of the FIR on the basis of compromise after entering into the compromise with all the abovesaid LR's and also making the said persons party in the petition.

(VIKAS BAHL)
JUDGE

29.07.2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No