

CRM-M-33153-2020 (O & M)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33153-2020 (O & M)

Date of decision: 29.11.2022

Simmi Mahant

..... Petitioner

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Samuel Gill, Advocate,
for Mr. Sanjeev Sharma, Advocate, for the petitioner.

Ms. Ramta Chaudhary, DAG, Punjab.

None for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 482 Cr.P.C. is for quashing of FIR No.0037 dated 04.04.2019 under Sections 323, 341, 506, 148 and 149 IPC registered with Police Station Kotwali Nabha, District Patiala and all other subsequent proceedings arising therefrom, on the basis of compromise dated 04.06.2020 (Annexure P-1), entered into between the parties.

On 03.08.2022, the following order was passed by this Court:-

CRM-8732-2022

For the reasons stated in the application duly supported by affidavit of petitioner, the application is allowed and affidavits dated 4.6.2020 (Annexure P-2 & P-3) regarding the compromise effected between the parties are taken on record. Registry to place the same at appropriate place and paginate the paper book accordingly.

CRM-M-33153-2020

The present petition has been filed for quashing of an FIR No.0037 dated 04.04.2019 (Annexure P-1) registered under Sections 323, 341, 506, 148 & 149 IPC registered with Police Station Kotwali Nabha, District Patiala and all other consequential proceedings arising therefrom, on the basis of compromise in the shape of affidavits 4.6.2020 (Annexure P2 & P-3) entered into between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into a Compromise in the shape of affidavits 4.6.2020 (Annexure P-2 & P-3), according to which, both the parties have agreed not to proceed further with the FIR in question.

Adjourned to 29.11.2022.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise on 24.08.2022 by moving an appropriate application or by presenting this order. The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a 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; and the Statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer/any other officer aware of the facts of the case so as to know how many victims/complainants are there in the*

FIR and whether all the victims/complainant as well as accused are party to the compromise in question.

The question of imposition of cost for wasting the valuable time of the police as well as the Court will be assessed and imposed at the time of the final hearing of the present petition in case, the FIR is to be quashed”.

In compliance with the aforesaid order, the report of Sub Divisional Judicial Magistrate, Nabha, District Patiala, dated 25.08.2022 has been received. As per the said report, the parties have not put in their appearance for recording the statements with regard to the compromise (Annexures P-2 and P-3).

In view of the above, the present petition is dismissed.

November 29, 2022
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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