

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

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CRM-M-43025-2021 (O&M)

Date of decision: 19.12.2022

Baljinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Arshdeep Kaur, Advocate for
Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

None for respondent No.2.

HARNARESH SINGH GILL, J. (ORAL)

CRM-48401-2022

Prayer in the present application is for preponement of the main case, which is fixed for 12.01.2023.

Notice of the application to the respondent-State only, at this stage.

On the asking of this Court, learned State counsel accepts notice on behalf of the respondent-State and submits that he has no objection, if the application is allowed.

In view of the above, the application is allowed and the main case is preponed from 12.01.2023 to that of today and the same is taken on the Board for hearing.

Main case:

This petition is for quashing the FIR No. 114 dated 13.07.2019, under Section 420 IPC, at Police Station Fatehgarh Sahib, along with all

consequential proceedings arising therefrom, on the basis of compromise dated 26.09.2021 (Annexure P-3).

At the outset, learned State counsel on the instruction from ASI Supinder Singh, submits that the petitioner has been declared a proclaimed offender.

Vide orders dated 12.10.2021 and 28.04.2022, the parties were directed to appear before the Illaqa Magistrate/trial Court to record their statements with regard to the genuineness and validity or otherwise of the compromise.

In compliance thereof, the learned Judicial Magistrate 1st Class, Fatehgarh Sahib, has submitted a report vide letter dated 02.06.2022, which indicates that the parties had not appeared before her for recording of their respective statements with regard to the validity of the compromise.

The parties did not opt to appear before the trial Court for the reasons best known to them and thereby flouted the order passed by this Court. It is not open to a party to dictate the terms of appearance before the trial Court, when a specific direction was issued in the order. If the parties wilfully flout the order of this Court, they cannot expect any equitable relief from the Court and they must be made to bear the consequences of their action. After having obtained an order, the parties cannot be allowed to sleep over its compliance.

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

(HARNARESH SINGH GILL)
JUDGE

19.12.2022
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No