

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(242)

CRM-M-50957-2021

Date of decision: - 10.03.2022

Rohitash Garg

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. K.S. Lakhanpal, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

None for respondents No.2 to 5.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.149 dated 11.09.2021, registered under Sections 279, 337, 338 and 427 IPC, at Police Station Gidderbaha, District Sri Muktsar Sahib and all the subsequent proceedings arising therefrom on the basis of compromise.

On 09.12.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Present petition has been filed for quashing of FIR No.149 dated 11.09.2021 (Annexure P-1) registered under Sections 279, 337, 338 and 427 of the IPC at Police Station Gidderbaha, District Sri Muktsar Sahib as well as all the consequential proceedings arising therefrom on the basis of compromise entered into between the parties.

Learned counsel for the petitioner submits that after the registration of the present FIR, a cross-case has also been registered, wherein, the parties have compromised and a quashing petition has already been filed by the parties being CRM-M-48839-2021, which is pending consideration for 01.02.2021.

Learned counsel for the petitioner argues that in order to live peacefully, the parties have entered into compromise on 14.10.2021 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Kirat Singh Sidhu, DAG, Punjab, who is present in the Court accepts notice on behalf of respondent No.1-State.

Mr. L.S. Lakhanpal, Advocate accepts notice on behalf of respondents No.2 to 5. He does not dispute the above said compromise, which has been arrived at between the parties, according to which complainant does not wish to press the allegations alleged in the FIR any further.

Adjourned to 01.02.2022.

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/settlement dated 14.10.2021 (P-2) on 06.01.2022 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*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and 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.

December 09, 2021

**(HARSIMRAN SINGH SETHI)
JUDGE”**

In pursuance of the above-said order, the report has been submitted by the Sub Divisional Judicial Magistrate, Gidderbaha, as per which, all the concerned parties had not appeared and thus, no report regarding genuineness of the compromise could be submitted.

In view of the above, learned counsel for the petitioner seeks permission of this Court to withdraw the present petition with liberty to file a fresh petition, when all the parties would be ready to make the statements before the trial Court.

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

March 10, 2022
naresh.k

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No