

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(229)

CRM-M-48629-2022

Date of decision:- 02.12.2022

Ranjit Singh and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Manpreet Singh Dua, Advocate,
for the petitioners.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

None for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.73 dated 20.05.2019 registered under Sections 295-A, 324, 323, 34 of IPC and Section 201 of IPC enhanced later on at Police Station Arniwala, District Fazilka and all the subsequent proceedings arising therefrom on the basis of compromise.

On 14.11.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioners has submitted that one more opportunity be granted to the parties to get their statements recorded before the Illaqa Magistrate/trial Court.

Adjourned to 02.12.2022.

The parties are directed to appear before the Illaqa

Magistrate/trial Court for recording their statements qua compromise within a period of two weeks from today.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is 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?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

However, since the statement of the parties could not be recorded before the Illaqa Magistrate/trial Court in spite of the direction given vide order dated 27.10.2022, thus, the abovesaid opportunity is granted, subject to the payment of costs of Rs.5,000/- which shall be deposited by the petitioners in the 'Punjab and Haryana High Court Employees' Welfare Association Fund', within a period of two weeks from today.

The trial Court shall only record the statements of parties on production of receipt of said payment.

It is made clear that if the said amount is not deposited within the stipulated period of time, then the present petition would be deemed to have been dismissed.

(VIKAS BAHL)
JUDGE

November 14, 2022

A perusal of the report submitted by the Judicial Magistrate 1st Class, Fazilka would show that neither the parties had appeared for recording of their statements nor the cost has been deposited by the petitioners.

From the above-said fact, it is apparent that the compromise has not fructified between the parties and accordingly, the present petition is dismissed.

However, a liberty is granted to the parties in case the compromise is still effectual and the parties are ready to make their statements in respect of the said compromise and after depositing payment of costs of Rs.5,000- in the 'Punjab and Haryana High Court Employees' Welfare Association Fund', as ordered by this Court, vide order dated 14.11.2022.

December 02, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No