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

CRM-M-44498-2019

Date of decision : 21.11.2022

Abhijit Singh

...Petitioner

Versus

State of UT Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Harpreet Singh Gharuan, Advocate for the petitioner.

Mr. Deepinder Brar, APP UT Chandigarh.

Mr. Lovepreet Singh Sidhu, Advocate for

Mr. Ramandeep Singh, Advocate for respondent Nos.2 and 3.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.406 dated 12.11.2016 registered under Sections 147, 149, 323 of the Indian Penal Code, 1860 at Police Station South Sector 34, Chandigarh, and all the subsequent proceedings arising therefrom on the basis of compromise.

On 18.10.2019, a Coordinate Bench of this Court was pleased to pass the following order:-

“Petitioner has preferred this petition through his Special Power of Attorney Holder namely Barjinder Singh Bhatti for quashing of FIR No.406 dated 12.11.2016 under Sections 147,149,323 IPC, registered at Police Station

South, Sector 34, Chandigarh and all other consequent proceedings arising therefrom has been sought on the basis of compromise.

Notice of motion.

Mr. Rajiv Vij, Addl.P.P., who is present in Court accepts, accepts notice on behalf of respondent No.1-State of UT.

Parties may appear before concerned Illaqa/Duty Magistrate on 21.10.2019 or on any other date convenient to Illaqa/Duty Magistrate and get their statements recorded with regard to the compromise. The original compromise shall be produced before Illaqa/Duty Magistrate. In the event of their statements being recorded, Illaqa/Duty Magistrate will send copies of the same to this Court before the next date of hearing along with his report:

- i) regarding genuineness and voluntary nature of the compromise;*
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/petitioners.*

Adjourned to 27.11.2019.

October 18, 2019

Sd/- (Harinder Singh Sidhu)

Judge ”

In pursuance of abovesaid order, a report has been submitted by Judicial Magistrate Ist Class, Chandigarh. The relevant portion of the same is reproduced as under:-

“It is pertinent to mention here that in the present case FIR, the name of accused Abhijit Singh. But the Special Power of Attorney has been given by Abhaijit Singh Bhatti. The address of the accused Abhijit Singh is different, which is on the case file and in the petition filed before the Hon'ble

High Court. In the case file, address of accused is House No.2059, Sector 68, Mohali. whereas, in the petition, it is VPO Libra, Tehsil Khanna, District Ludhiana. After going through statements made by said persons, this Court is of the opinion that accused Abhijit Singh was not present in the court. His statement was not recorded in the court. Only the statement of Special Power of Attorney Holder Barjinder Singh Bhatti has been recorded. Moreover, compromise has been done with the Special Power of Attorney Holder only.”

Learned counsel for the petitioner seeks permission of this Court to withdraw the present petition with liberty to file a fresh petition after rectifying the errors made in the petition.

In view of the above, the present petition is dismissed as withdrawn with liberty aforesaid.

21.11.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No