

CRM-M-1754-2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1754-2023 (O & M)
Date of decision: 24.04.2023

Pawan Kumar

... Petitioner

V/s

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Brijdender Kaushik, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. read with Section 320 IPC is for compounding of the offences in FIR No.0057 dated 23.01.2022 under Sections 420, 406, 506 IPC registered at Police Station Naraingarh, District Ambala.

On 13.01.2023, the following order has been passed in this case:-

“The prayer in the present petition under Section 482 Cr.P.C. read with Section 320 Cr.P.C. is for compounding of offences in FIR No.0057 dated 23.01.2022 under Sections 420, 406, 506 IPC registered at Police Station Naraingarh, District Ambala and all consequent proceedings arising therefrom qua the respondents No.2 to 4 as a compromised has been effected between the parties.

Notice of motion.

CRM-M-1754-2023 (O & M)

::2::

Mr. Kanwar Sanjiv Kumar, AAG, Haryana, accepts notice on behalf of respondent No.1-State.

Adjourned to 24.04.2023.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statement with regard to compromise/settlement (Annexure P-2) on 06.02.2023 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 in a tabulated form:-.

- 1. Number of persons arrayed 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;*
- 5. The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court; and*
- 6. 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 victim/complainant as well as accused are party to the compromise in question'.*

The question of imposition of costs 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."

CRM-M-1754-2023 (O & M)

::3::

In compliance of the aforementioned order, the report of Sub Divisional Judicial Magistrate-Cum-Additional Civil Judge (Sr. Divn.), Naraingarh, dated 21.04.2023 has been received, as per which, the parties to the case did not appear before the Illaqa Magistrate/Trial Court to get their statements recorded.

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

April 24, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No