

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

CRM-M-4522-2020

Date of decision : 17.01.2023

RANDHIR SINGH AND ANOTHER

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: None for the petitioner(s).

Mr. Aman Dhir, DAG, Punjab.

Mr. Anand Singh, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of an FIR No.85 dated 17.10.2019 registered under Sections 406 and 420 IPC read with Section 120-B IPC at Police Station District Block Majari, District S.A.S. Nagar along with all consequential proceedings arising therefrom, on the basis of compromise entered into between the parties.

When this matter had come up for hearing on 06.09.2022, the following order was passed:-

“The present petition has been filed for quashing of an FIR No.85 dated 17.10.2019 registered under Sections 406 and 420 IPC read with Section 120-B IPC at Police Station District Block Majari, District S.A.S. Nagar and along with all other consequential proceedings arising therefrom, on the basis of compromise entered into between the parties.

The learned counsel for the petitioners submits that in order to live peacefully, parties have entered into compromise on 24.10.2019 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion. Mr. Ravinder Singh, Asstt. A.G., Punjab, who is present in Court accepts notice on behalf of respondent No.1-State.

Mr. Anand Singh, Advocate accepts notice on behalf of respondent No.2. 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 17.01.2023.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement on 30.09.2022 with regard to the compromise dated 24.10.2019 (P-2) 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 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 statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*
- 6. 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 victim/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.”

In pursuance to the said order, a report of the Sub Divisional Judicial Magistrate, Kharar has been received. As per the said report, no one had appeared on behalf of the complainant in the Court on two occasions.

Even on second call none has put in appearance on behalf of the petitioners.

In view of the above, I find no merit in the present petition and therefore, the same is hereby dismissed at this stage.

(JASJIT SINGH BEDI)
JUDGE

17.01.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No