

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-9397-2021

Date of Decision:-13.09.2023

Som Nath & Anr.

.....Petitioners.

Vs.

State of Punjab.

.....Respondents

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Satnam Singh Thakur, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 482 Cr.PC is for quashing of the FIR No.32 dated 20.05.2012 under Sections 406, 420 120-B IPC registered at Police Station Noormahal, District Jalandhar against the petitoiners.

2. The brief facts of the case are that FIR No.32 dated 20.05.2012 under Sections 406, 420 120-B IPC registered at Police Station Noormahal, District Jalandhar was registered against Jasvir Kaur @ Jinta and Satinder Kumar @ Chhotu on 20.05.2012. During the course of investigation the report under Section 173(2) Cr.PC was submitted only against the aforesaid two accused. On account of their non appearance they were declared as proclaimed offenders and continued to remain so even today.

3. Meanwhile on the statement of the complainant being recorded, the petitioners were ordered to be summoned under Section 319 Cr. PC. On

the conclusion of the trial, the petitioners were acquitted by the court of Judicial Magistrate Ist Class, Phillaur vide judgment dated 23.12.2016. The State preferred an appeal before the Court of Sessions Judge, Jalandhar and vide judgment dated 03.12.2019 the judgment of acquittal was set aside and the case was remanded back for a re-trial.

4. The present petition has been filed seeking quashing of the FIR on the grounds that during the course of the Trial the petitioners who had been summoned under Section 319 Cr.PC had already compromised the matter with the complainant who had now passed away and, therefore, they had been acquitted.

5. None has appeared on behalf of the complainant despite service.

6. The Counsel for the State has not disputed the aforementioned factual position.

7. I have heard the Counsel for the parties.

8. Admittedly, on remand, the case is pending adjudication before the Court of the Judicial Magistrate Ist Class, Phillaur for 26.09.2023.

9. In view of the fact that the FIR pertains to the year 2012 and the petitioners have already been acquitted in the first round of litigation the present petition is disposed of with the direction to the Trial Court to conclude the Trial not later than 03 months from the next date of hearing fixed before it.

(JASJIT SINGH BEDI)
JUDGE

September 13, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No