

[1] [Neutral Citation No. 2023:PHHC:041573]
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

[127] CRM-12599-2023 in/and
CRM-M-10997-2023 (O&M)
Date of Decision: 21.03.2023

RAHUL AND ANOTHER PETITIONERS

Versus

STATE OF PUNJAB AND ANR. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Viren Sibal, Advocate for the
applicants-petitioners.

JAGMOHAN BANSAL, J. (Oral)

CRM-12599-2023

Through instant application, the applicants-respondents are seeking preponement of the main petition i.e. *CRM-M-10997-2023* from 24.03.2023 to an early date.

For the reasons assigned in the application and with the consent of the both sides, the same is allowed. Main case is preponed from 24.03.2023 to today itself and taken up on board.

CRM-M-10997-2023

The petitioners, through instant petition, on the basis of compromise dated 02.09.2018 (Annexure P-2) are seeking quashing of FIR No. 113 dated 15.07.2016, under Sections 366, 366(A) IPC and Section 4 of POCSO Act (added subsequently), registered at Police Station Division No. 3, District Jalandhar and all consequential proceedings arising therefrom.

From the persual of the order dated 08.08.2022 passed by a Coordinate Bench of this Court in *CRM-M-40246-2018 (O&M)* titled 'Rahul Vs. State of Punjab and others' (Annexure P-5), it is quite evident that the petitioner had filed petition seeking quashing of impugned FIR on the basis of compromise dated 02.09.2018. The petition was disposed of with liberty to the petitioner to pursue his remedy before the trial Court.

The petitioner filed an application under Section 311 Cr.P.C. before the trial Court seeking re-examination of the prosecution witness i.e. victim. The trial Court vide order dated 03.02.2023 dismissed the aforesaid application of the petitioner.

The petitioners through instant petition are seeking quashing of impugned FIR on the basis of compromise dated 02.09.2018, which was foundation of earlier petition filed before this Court.

On being asked how the second petition seeking quashing of impugned FIR on the basis of compromise is maintainable, learned counsel for the petitioner submits that earlier petition was disposed of with liberty to pursue remedy before the trial Court and petitioner has filed an application under Section 311 Cr.P.C. before the trial Court which stands dismissed, thus, present petition is maintainable.

The contention of learned counsel for the petitioner is not sustainable. This Court cannot countenance the aforesaid contention raised on behalf of counsel for the petitioner. The petitioner, on the basis of compromise dated 02.09.2018, had filed earlier petition which stands disposed of with liberty to approach trial Court. This Court has not granted liberty to file a fresh petition seeking quashing of impugned FIR on the basis of compromise . Thus, present petition being second petition seeking quashing of same FIR is not maintainable.

The petition stands dismissed.

(JAGMOHAN BANSAL)
JUDGE

21.03.2023
ANMAL

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No