

2023:PHHC:111871

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

239-A

CRM-M-11940-2023 (O&M)

Date of Decision: 25.08.2023

ARSHPREET SINGH MAAN

... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: None for the petitioner.

Mr. CL Pawar, Additional AG Punjab.

None for respondent No.2.

HARNARESH SINGH GILL, J.(Oral)

There is no representation on behalf of the petitioner-accused and respondent No.2-complainant today.

This petition has been filed for quashing of FIR No.147 dated 01.06.2022, registered under Sections 420, 465, 467, 468, 471, 120-B IPC, at Police Station Division No.5, District Ludhiana, along with all the subsequent proceedings arising therefrom, on the basis of compromise dated 28.02.2023 (Annexure P-3).

Vide order dated 13.03.2023 passed by a Coordinate Bench of this Court, the trial Court/Illaq Magistrate had been directed to record the statements of the parties with regard to the genuineness and authenticity of the compromise.

In compliance thereof, the learned Judicial Magistrate 1st

Class, Ludhiana, has submitted a report, vide letter dated 11.05.2023, which indicates that none of the parties appeared before the Magistrate for getting their statements recorded with regard to the compromise. The relevant extract of the letter dated 11.05.2023 would read as under:-

'..... However, as per the directions of Hon'ble High court, none has appeared on behalf of the parties before this Court till today i.e. 11.05.2023 for recording their statements'.

Thereafter, again vide order dated 16.05.2023 passed by a Coordinate Bench of this court, another opportunity was granted to the parties to appear before the Court below, for getting their statements recorded with regard to the compromise, subject to deposit of costs of Rs.2,000/- with Clerk Bar Association, Punjab & Haryana High Court, Chandigarh. The relevant extract of the order dated 16.05.2023 passed by a Coordinate Bench of this Court, would read as under:-

'Learned counsel for the petitioner submits that in pursuance to order dated 18.04.2023, the parties could not appear before trial Court for the purpose of getting their statements recorded and thus prays for another opportunity.

Let the parties now appear before trial Court on 05.07.2023 for the purpose of making their settlements as regards veracity of settlement arrived at between them, the same shall however be subject to payment of cost of Rs.2,000/- to be deposited with Clerk Bar Association, Punjab and Haryana High Court, Chandigarh within a period of ten days from today.

Adjourned to 10.08.2023'.

In compliance of the said order, again neither the costs have been deposited nor the parties appeared before the Court below for recording their statement with regard to the compromise, as would decipher from the letter dated 07.07.2023 of the learned Judicial Magistrate 1st Class, Ludhiana. The relevant extract of the said letter would read as under:-

'..... However, as per the directions of Hon'ble High court, none has appeared on behalf of the parties before this Court till today i.e. 11.05.2023 for recording their statements'.

Thus, it is clear that the parties are not interested in pursuing the present petition and the very basis of the present petition i.e. the compromise and its veracity is stoutly doubted.

Dismissed.

25.08.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>