

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

239

CRM-M-11829-2023 (O&M)

Date of Decision: 25.08.2023

KULWANT 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 cross-version recorded vide DDR No.43 dated 04.11.2022, registered under Sections 462, 465, 467, 468, 471 IPC, at Police Station Division No.5, District Ludhiana, in case 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 09.03.2023 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 Additional Chief Judicial Magistrate, Ludhiana, has submitted a report, vide letter dated 05.05.2023, 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 05.05.2023 would read as under:-

'..... It is, further, respectfully submitted that in compliance of the above said orders passed by this Hon'ble High Court, none of the party has appeared before the undersigned in order to suffer statement with regard to compromise effected between the parties. Therefore, the veracity of the compromise could not be ascertained'.

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 09.03.2023, 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 08.08.2023 of the learned Additional Chief Judicial Magistrate, Ludhiana. The relevant extract of the said letter would read as under:-

'..... It is, further, respectfully submitted that in compliance of the above said orders passed by this Hon'ble High Court, none of the party has appeared before the undersigned in order to suffer statement with regard to compromise effected between the parties. Therefore, the veracity of the compromise could not be ascertained'.

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

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