

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

269

CRM-M-15850-2021
Decided on : 27.07.2023

Manish Chawla and another

. . . Petitioners

Versus

State of Punjab and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

PRESENT: None for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab.

None for respondent No. 2.

PANKAJ JAIN, J.

1. The present petition has been filed seeking quashing of the FIR on the basis of compromise. While issuing notice of motion, following order was passed on 09.04.2021:-

“By filing this petition, quashing of FIR No.25 dated 06.02.2021 under Sections 420 and 120-B IPC and Section 24 of Immigration Act, registered at Police Station Model Town, District Ludhiana and all other subsequent proceedings arising therefrom has been sought on the basis of compromise.

Notice of motion.

Mr. Sarabjit Singh, AAG, Punjab accepts notice on behalf of respondent No.1-State and Ms. Nidhi Bansal, Advocate accepts notice on behalf of respondent No.2.

Parties may appear before concerned trial Court/Duty Magistrate on 05.05.2021 or on any other date convenient to the said Court and get their statements recorded with regard

to the compromise. The original compromise shall be produced before the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with its report:

i) regarding genuineness and voluntary nature of the compromise;

ii) whether all the accused/petitioners are appearing before the Court or are on bail; and iii) whether any other proceeding is pending against the accused/petitioners.

Adjourned to 07.07.2021.”

Pursuant to the aforesaid order, report from Judicial Magistrate 1st Class, Ludhiana dated 17.06.2021 has been received, which is taken on record. As per the report, the Trial Court has recorded as follows:-

“With due regard and with reference to the order dated 09.04.2021, passed in the captioned Criminal Miscellaneous, parties were directed to appear before the Illaqa Magistrate/Trial Court for recording their statements qua compromise on 05.05.2021 or on any other date convenient to the said court and undersigned was directed to submit report on or before the next date of hearing Le. 07.07.2021 as regards authenticity and genuineness of compromise after recording statement of both the affected parties. It is submitted that accused Manish Chawla and Divesh Chawla appeared before the court for recording of their statements regarding compromise but complainant Vishwas Bansal did not appear before the court for recording his statement. It is further submitted that in the absence of complainant, it cannot be ascertained that whether compromise is genuine or not.

Accordingly report is being submitted please.”

As per the above report, neither the complainant appeared before the trial Court/Duty Magistrate to depose in favour of the compromise nor the petitioner is interested in pursuing the present matter.

In view of the above, present petition is dismissed as not pressed.

(PANKAJ JAIN)
JUDGE

27.07.2023
Mehak

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