

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-20187-2023 (O&M)
Date of decision: 03.10.2023

Simranjit Singh and another

....Petitioner

versus

State of Punjab and another

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- None for the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

Mr. A.S.Bhatti, Advocate,
for respondent no.2

ARUN MONGA, J. (ORAL)

Petitioner seeks quashing of FIR No.54 dated 16.08.2017 (Annexure P-1) registered under Sections 323, 341, 452, 34 of the IPC (with Section 308 IPC added lateron), at Police Station Sri Hargobindpur, District Batala, and all subsequent proceedings arising therefrom, on the basis of compromise dated 05.09.2022 (Annexure P-2), arrived at between the private parties.

2. On 23.08.2023, the following order was passed by this Court:-

“Respondent No.2 appears in person. He states that as per order dated 15.05.2023, he appeared before the Court below, but his statement was recorded by enticing and misleading that counter case filed by the petitioners shall be withdrawn. However, on one hand, present proceedings are sought to be quashed based on his compromise statement, on the other hand, petitioners have not withdrawn their case.

Petitioner states that he is unable to afford litigation and is appearing in person. In the premise, Secretary, High Court Legal Service Committee, Punjab and Haryana High Court, Chandigarh to provide a counsel to respondent No.2 from the panel of legal aid counsel on usual terms.

Post it on 03.10.2023.

3. *Apropos* learned counsel appearing on behalf of respondent no.2 submits that the petitioners have not withdrawn the civil suit which is a part of the compromise

and therefore the compromise remains only partly implemented as much as respondent no.2 was made to withdraw his case based on a reciprocal promise that upon his doing so, the petitioners will also likewise withdraw the case filed against respondent no.2.

4. He points out that petitioners having been failed to perform their part of the compromise, the quashing of the FIR sought by them cannot be permitted.

5. The aforesaid averments remain uncontrverted as learned counsel appearing for the petitioners, on 23.08.2023 was though present in Court but did not controvert the same and none appears for the petitioners in any case as on today.

6. Being so, the petition under Section 482 Cr.P.C. seeking to quash the FIR No.54 dated 16.08.2017 (Annexure P-1) registered under Sections 323, 341, 452, 34 of the IPC (with Section 308 IPC added lateron), at Police Station Sri Hargobindpur, District Batala, on the basis of the basis of the compromise does not survive and the same is accordingly dismissed.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

03.10.2023

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No