

CRM-M-30220-2022 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30220-2022 (O & M)
Date of decision: 25.05.2023

Sandeep Singh and ors.

... Petitioners

V/s

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: None for the petitioners.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

None for respondents No.2 and 3.

JASJIT SINGH BEDI, J. (Oral)

The Prayer in the present petition under Section 482 Cr.P.C. for quashing of FIR No.01 dated 02.01.2021 under Sections 324, 323, 427, 148 and 149 IPC as well as Section 326 IPC (added later on) registered at Police Station Sadar Faridkot, District Faridkot and all subsequent proceedings arising therefrom on the basis of compromise dated 24.06.2022 (Annexure P-4) arrived at between the parties.

On 15.07.2022, the following order was passed in this case:-

“The present petition has been filed for quashing of an FIR No.01 dated 02.01.2021 (Annexure P-1) registered under Sections 324, 323, 427, 148, 149 IPC later on added offence under Section 326 IPC registered with Police Station Sadar

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Faridkot, District Faridkot and all other consequential proceedings arising therefrom, on the basis of compromise dated 24.06.2022 (Annexure P-4) entered into between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into Compromise dated 24.06.2022 (Annexure P-4), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion for 12.10.2022.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab accepts notice on behalf of respondent no.1 whereas Mr. Lakhbir Singh Bhullar, Advocate has filed power of attorney on behalf of the respondent nos.2 & 3. He does not dispute the above said compromise, which has been arrived at between the parties, according to which, complainant does not wish to press the allegations alleged in the FIR any further.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise dated 24.06.2022 (Annexure P-4) on 25.07.2022 by moving an appropriate application or by presenting this order. The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*

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5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.

The question of imposition of cost for wasting the valuable time of the police as well as the Court will be assessed and imposed at the time of the final hearing of the present petition in case, the FIR is to be quashed”.

Thereafter, on 05.08.2022, the following order was passed:-

“CRM-27405-2022

“The prayer in the application under Section 482 Cr.PC is for seeking one more opportunity for recording the statements of the parties before the Illaqa Magistrate regarding the factum of compromise in terms of the order dated 15.07.2022.

For the reasons stated in the applications the same are allowed and parties are directed to get their statements recorded with regard to the compromise in terms of order dated 15.07.2022 by appearing before the trial Court on 17.08.2022”.

Thereafter, the case was adjourned to 12.10.2022. On that date, the matter stood adjourned to 12.01.2022. On the said date, the following order was passed:-

“A perusal of the report dated 18.08.2022 submitted by the Additional Chief Judicial Magistrate, Faridkot, would show that the statement of respondent No.3-Randhir Singh, victim

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has not been recorded with regard to the compromise effected between the parties.

Adjourned to 17.01.2023”.

Then on 17.01.2023, the following order was passed:-

“Since the statement of Randhir Singh (respondent No.3) has not been recorded, he is directed to appear before the Court and get his statement recorded in terms of the order dated 15.07.2022.

In view of the above, Randhir Singh (victim) is directed to get his statement recorded on 31.01.2023 as per the order dated 15.07.2022.

List on 11.04.2023”.

On 11.04.2023, the following order was passed:-

“The learned counsel for the parties pray for one more opportunity to get the statement of respondent No.3-Randhir Singh recorded in terms of the order dated 15.07.2022.

In view of the above, respondent No.3-Randhir Singh (victim) is directed to appear before the Illaqa Magistrate/Trial Court to get his statement recorded on 25.04.2023.

The Trial Court is directed to send its report on or before the next date of hearing i.e. 25.05.2023”.

Today, none appears on behalf of the petitioners.

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A perusal of the reports dated 02.02.2023 and 28.04.2023 submitted by the Court of Additional Chief Judicial Magistrate, Faridkot, would show that the victim-Randhir Singh has not appeared before the Court for getting his statement recorded in terms of the earlier orders passed by this Court.

In view of the above, the present petition stands dismissed. However, the parties are at liberty to approach this Court once again in case a proper compromise/settlement takes places between them.

(JASJIT SINGH BEDI)
JUDGE

May 25, 2023
sukhpreet

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