

CRM-M-33079-2021 (O & M)

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(113) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33079-2021 (O & M)

Date of Decision: 09.08.2023

Mangal Singh @ Gaggi and ors.

... Petitioner

Versus

State of Punjab and anr..

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Davinder Kumar, Advocate,
for respondent No.2.

JASJIT SINGH BEDI, J.

The Prayer in this petition is for quashing of FIR No.02 dated 05.10.2011 under Sections 323, 324, 34 IPC registered at Police Station Nandgarh, District Bathinda and all consequential proceedings as well as the judgment of conviction and order of sentence dated 06.03.2018 passed by the Judicial Magistrate Ist Class, Bathinda and for quashing of the judgment dated 14.10.2019 passed by the Additional Sessions Judge, Bathinda whereby the petitioners were ordered to be released on probation (Annexure P-2) on the basis of compromise dated 05.06.2020 (Annexure P-3) arrived at between the parties.

On 23.03.2023, the following order was passed in this case:-

CRM-M-33079-2021 (O & M)

::2:-

“The present petition has been filed for quashing of FIR No.02 dated 5.10.2011 (Annexure P-1) under Sections 323, 324, 34 IPC registered at P.S. Nandgarh, District Bathinda, and judgment of conviction and order of sentence dated 6.3.2018 passed by JMIC, Bathinda and the judgment dated 14.10.2019 (Annexure P-2) passed by ASJ, Bathinda on the basis of compromise dated 05.06.2020 (Annexure P-3) entered into between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into Compromise dated 05.06.2020 (Annexure P-3), according to which, both the parties have agreed not to proceed further with the FIR in question.

Adjourned to 07.08.2023.

The Counsel for the complainant party 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 complaint 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 05.06.2020 (Annexure P-3) on 17.04.2023 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 in a tabulated form:-

- 1. Number of persons arrayed 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*

CRM-M-33079-2021 (O & M)

::3:-

5. *The statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*

6. *The Trial Court is also directed to record the statement of the Investigating Officer/any other officer aware of the facts of the case so as to know how many victims/complainants are there in the FIR and whether all the victim/complainant as well as accused are party to the compromise in question.*

The petitioners shall deposit a cost of Rs.25,000/- (Collectively) with the District Legal Services Authority concerned before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaq Magistrate”.

Thereafter, on 07.08.2023, the following order was passed:-

“A perusal of the report dated 04.08.2023 received from the Judicial Magistrate Ist Class, Bathinda, would show that neither the receipt with regard to the depositing of Rs.25,000/- in terms of the order dated 23.03.2023 has been produced before the Trial Court nor the complainant-Resham Singh @ Sumandeep Singh got recorded his statement with regard to the compromise dated 05.06.2020 (Annexure P-3).

In view of the above, the case is adjourned to 09.08.2023.

*To be shown in the **Urgent Cause list.**”*

The learned counsel for the petitioners states that he has no instructions in the matter. A perusal of the report of the Judicial Magistrate Ist Class, Bathinda, dated 04.08.2023 would show that the parties have not

CRM-M-33079-2021 (O & M)

::4::-

appeared to get their statements recorded and nor has the amount of Rs.25,000/- been deposited.

In view of the above, the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

August 09, 2023
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No