

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 41627 of 2022
Reserved on : 16.01.2023
Pronounced on: 24.01.2023

Raj Kumar @ Raj HansPetitioner(s)

Vs.

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. C.S. Singhal, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

Mr. Sunil Kumar Pandey, Advocate
for respondents No. 2 and 3.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
61	05.05.2018	Beas, District Amritsar	420, 120-B IPC

The petitioner, arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the victim(s).

2. The gist of the allegations against the petitioner is that the complainant (respondent No.2) made a statement before the police and based on such statement, the police registered the FIR captioned above. Needless to mention all the details and it is sufficient to say that the parties have entered into a compromise.
3. During the pendency of the petition, the accused and the victim have compromised the matter, and its copy is annexed with this petition as Annexure P-2. After that, the petitioner(s) came up before this Court to quash the FIR, and in the quashing petition, the injured have been impleaded as respondent(s).
4. On 07.10.2022, the aggrieved person/victim Balwinder Kaur (R-3) appeared before the JMIC, Baba Bakala and stated that there would be no objection if the court quashes this FIR and consequent proceedings. However, complainant-Gurbinder Singh (R-2) did not appear

before the trial Court for recording his statement. As per the concerned court's report dated 20.10.2022, respondent No. 2 did not record his consent to the quashing of FIR and consequent proceedings without any threat.

ANALYSIS & REASONING:

5. As per the report of the concerned Judicial Magistrate, the complainant/respondent No. 2 did not appear and as such the veracity of compromise could not be ascertained.

6. Given above, the matter cannot be compromised. However, it shall be open for the accused to apply to this court seeking quashing of FIR and another opportunity to make complainant/victim(s) appear before the concerned court to record their no-objection statement(s). In that eventuality, there would be no need for the accused to re-appear, and they can annex the copy of the statement(s) recorded in this petition.

Petition dismissed in the terms mentioned above. Liberty is reserved to file a fresh petition. All pending applications, if any stand closed.

(ANOOP CHITKARA)
JUDGE

24.01.2023
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.