

115 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-17403-2023 in/and
CRM-M-30805-2019**
Date of Decision: 24.04.2023

Davinder Singh @ Baba and another Petitioners

Versus

State of Punjab and another Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Mohd. Yousaf, Advocate, for the petitioners.
 Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

CRM-17403-2023

Prayer in the present application is for recalling of the order dated 12.04.2023 and to decide the same on merits.

Learned counsel for the applicant has submitted that on 12.04.2023 he was in personal difficulty as he had to go PGI and he failed to appear before this Court and the present petition was dismissed for non-prosecution. He submits that his absence was totally unintentional. He further submits that the petitioner would suffer an irreparable loss, if the present application is not allowed.

Notice in the application.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab, accepts notice on behalf of the State.

For the reasons mentioned in the application and after hearing learned counsel for the parties, the present application is allowed and the main petition is restored to its original number and taken on board today itself for hearing.

Main petition

Prayer in the present petition is for quashing of the FIR No.26 dated 02.05.2019, registered under Section 377 IPC, at Police Station Sandhaur, District Sangrur and all the consequent proceedings arising therefrom on the basis of the compromise dated 06.07.2019 (Annexure P-2).

After arguing for some time, learned counsel for the petitioner has submitted that he may be allowed to withdraw the present petition with liberty to avail any other remedy available to the petitioners in accordance with law.

Allowed to do so.

Dismissed as withdrawn with liberty as prayed for.

24.04.2023
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No

(RAJESH BHARDWAJ)
JUDGE