

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

274

CRM-M-58622 of 2022

Date of Decision:07.08.2023

Rakesh Kumar @ Rajesh Kumar @ Babbu

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.S. Dhaliwal, Advocate, for
Mr. A.K. Gupta, Advocate,
for the petitioner.

Mr. J. S. Arora, DAG, Punjab

Mr. Sandeep Kapoor, Advocate,
for respondents No.2 to 5.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.0012 dated 28.01.2016, under Sections 323, 324, 452, 307, 148, 149 IPC and 25 of the Arms Act, registered at Police Station Division No.3, District Jalandhar.

2. On 16.12.2022 the parties were directed to appear before the learned Illaqa Magistrate/trial Court for recording of the statements qua compromise within a period of one month.

3. The report has been received from the learned Addl. Sessions Judge, Jalandhar, dated 06.02.2023 in which it has been so stated that none of the respondents/complainants/injured have appeared on 16.01.2023, although the parties were directed to appear before the learned trial Court within a period of one month from the date of passing of the order. Neither the accused

(petitioner- Rakesh Kumar) nor the respondents/complainant have appeared to get their statements recorded in the present case. Learned Addl. Sessions Judge has further reported that even the respondents/complainant have not appeared in the Court. As such, the file was ordered to be put up on 04.02.2023 for awaiting of the further orders from the High Court. Again on 04.02.2023 when the matter was taken up, learned counsel for the complainant has suffered a statement by stating that he informed the complainant and other victims telephonically to come present in the Court to give favourable statement but the complainant and the other victims told that they had gone out of station and cannot come present before the Court. Learned Addl. Sessions Judge has further stated in the report that in view of the aforesaid position, the statements of the parties could not be recorded.

4. Vide order dated 16.12.2022 this Court had directed the parties to appear before the learned trial Court for recording the statements qua compromise within a period of one month, but as per the report received from the learned Addl. Sessions Judge, Jalandhar, none of the parties had appeared despite the fact that learned counsel for respondents No.2 to 5 has informed the Court that the parties were informed but they did not care to come to the learned trial Court for recording their statements qua the compromise.

5. In view of the above, the petition is dismissed.

(JASGURPREET SINGH PURI)
JUDGE

August 07, 2023

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