

2024:PHHC:036075

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

273(2)

CRM-M-27791-2023

Date of Decision : March 13, 2024

Karan Kamboj and others

.....Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.K. Kachuria, Advocate for the petitioner.

Mr. Mohit Saroha, AAG, Punjab.

Mr. Sameydeen, Advocate for respondents No.2 to 4.

JASJIT SINGH BEDI, J. (Oral)

On 30.05.2024, the following order was passed :-

“The prayer in the present petition under Section 482 Cr.P.C. is for quashing of an FIR No.240 dated 10.11.2020 (Annexure P-1) registered under Sections 324, 148, 149 IPC and Section 326 IPC added later on at Police Station Guruharsahai, District Ferozepur and all other consequential proceedings arising therefrom, on the basis of compromise dated 03.11.2022 (Annexure P-3) entered into between the parties.

The learned counsel for the petitioners submits that in order to live peacefully, parties have entered into compromise on 03.11.2022 (Annexure P-3), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Kirat Singh Sidhu, D.A.G, Punjab who is present in Court accepts notice on behalf of respondent No.1-State.

Ms. Mandeep Kaur, Advocate for Mr. Sameydeen, Advocate accepts notice on behalf of respondent No.2. She 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.

Adjourned to 11.10.2023.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaqa Magistrate for recording of their statement on 12.07.2023 with regard to the compromise/settlement dated 03.11.2022 (P3) by moving an appropriate application or by presenting this order.

The Trial Court/Illaqa Magistrate is directed to submit the report on or before the next date of hearing containing the following information in a tabulated format:-

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
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 so as to know

how many victims/complainants are there in the FIR and 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 on or before the date of recording of their statements and produce the receipt of the same to the Trial Court/Illaqa Magistrate.”

Thereafter on 11.10.2023, the following order was passed :-

“On 30.05.2023, the parties were directed to appear before the Illaqa Magistrate/trial Court, to get their statements recorded with regard to the compromise, if any.

The learned counsel for the petitioner(s) states that the parties could not appear before the Court below to get their respective statements recorded and they pray that one more opportunity be granted to the parties to do the needful.

Adjourned to 13.03.2024.

In the meantime, the parties are again directed to appear before the trial Court/Illaqa Magistrate for recording of their statement with regard to the compromise on 13.12.2023 by moving an appropriate application or by presenting this order, in terms of the order dated 30.05.2023 passed by this Court.

A photocopy of this order be placed on the files of other connected matters.”

Despite passing of the aforementioned orders, the parties have not appeared before the trial Court/Illaqa Magistrate to get their statements recorded.

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

March 13, 2024
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(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO