

278 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29875-2023

Date of Decision : April 08, 2024

Rajwinder SinghPetitioner

Vs.
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: None for the petitioner.

Mr. Mohit Saroha, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

On 25.7.2024, the following order was passed :-

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“This is an application seeking advancement of next date of hearing i.e. 16.08.2023 in the main case to some early date.

For the reasons mentioned in the application, same is allowed and the next date of hearing rfixed in teh main case is advanced to today itself and the matter is taken up for hearing.

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The present petition has been filed for quashing of FIR No.82 dated 31.07.2021 under Sectiojns 406, 420 IPC and Section 13 of the Punjab Travel Professional Act, 2014 registered at Police Station Rahon, District Shaheed Bhagat Singh Nagar qua petitioner and all

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other consequential proceedings arising therefrom, on the basis of compromise dated 19.05.2023 (Annexure P-2), entered into between the parties.

Learned counsel for the petitioner submits that in order to live peacefully, parties have entered into compromise (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Kirat Singh Sidhu, DAG, Punjab accepts notice on behalf of respondent No.1-State of Punjab. The status report dated 07.07.2023 filed on behalf of the respondent-State is taken on record.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statements with regard to the compromise/settlement (Annexure P-2) on 16.08.2023 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 as 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 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 victims/complainant as well as accused are party to the compromise in question.

The petitioners shall deposit a cost of Rs.25,000/- 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 20.11.2023, the following order was passed :-

“On 25.07.2023, 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 states that the parties could not appear before the Court below to get their respective statements recorded and he, thus, prays that one more opportunity be granted to the parties to do the needful.

Adjourned to 08.04.2024.

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 22.01.2024 by moving an appropriate application or by presenting this order, in terms of the order dated 25.07.2023 passed by a Coordinate Bench of this Court.”

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Despite the passing of the aforementioned order, the parties did not come present to get their statements recorded before the trial Court/Illaq Magistrate in support of the compromise dated 19.05.2023 (Annexure P-2).

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

April 08, 2024
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(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO