

**Sr. No.120****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-36559-2024****Date of decision: 08th November 2024****HARMESH****.....Petitioner****versus****STATE OF PUNJAB AND ANOTHER****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant second petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C."*) for quashing of FIR No.228 dated 06.10.2022, under Sections 376/417 IPC, 1860, registered at Police Station Shahkot, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 30.12.2022 (Annexure P-3), executed between the parties.

2. The first petition filed under Section 482 Cr.P.C. was dismissed as withdrawn vide order dated 23.05.2024, after it was noticed that 05 other criminal cases by way of separate FIRs, are registered against the petitioner.

3. Learned State counsel has informed that FIR No.133 dated 05.10.2019, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Makho, Ferozepur, is still pending against the petitioner and he is facing the trial in that case.

4. A similar petition bearing No.CRM-M-6049-2023 (Annexure P-4), was filed by the petitioner seeking similar relief under Section 482

Cr.P.C., which was taken up for hearing on 23.05.2024. It was noticed that



05 FIRs had already been registered against the petitioner, out of which, the petitioner was still facing trial in one FIR, whereas, another FIR was still under investigation. The petitioner sought to withdraw the said petition and the following order was passed:-

“1. Learned State counsel has informed that as per status report, there is history of 5 other cases against the petitioner which are as under:

‘i) FIR No. 35 dated 02.03.2017 U/s 365, 323, 148, 149 IPC, PS Shahkot, Jalandhar. The said FIR has been quashed vide order dated 26.10.2017 passed in CRM-M-19088 of 2017 and CRM-M-19151 of 2017.

ii) FIR No. 133 dated 05.10.19 U/s 21 NDPS Act, PS Makho, Ferozepur.

iii) FIR No.29 dated 29.01.2014 U/s 307, 336, 34 IPC and Section 25 Arms Act, PS Shahkot, Jalandhar. The accused has been acquitted vide order dated 05.06.2015 passed by the Ld. Trial Court.

iv) FIR No. 233 dated 08.08.2020 U/s 323, 451, 506, 148, 149, 295-A IPC, PS Shahkot, Jalandhar. The challan in the said FIR has been filed in the Trial Court on 11.12.2020 and the Trial is pending.

v) FIR No. 06 dated 05.01.2023 U/s 307, 336, 148, 149 IPC 25/54/59 Arms Act PS Shahkot, Jalandhar. This case is under investigation and accused is wanted in this case.’

2. Faced with this situation, learned counsel for the petitioner seeks to withdraw the present petition.

3. Prayer is accepted.

4. The present petition is dismissed as withdrawn.

xxx xxx xxx xxx”



5. The petitioner cannot agitate the matter by repeatedly filing similar petitions under Section 482 Cr.P.C. seeking the same relief without there being any change of circumstances.
6. It has been noticed that the aforesaid FIR No.133 dated 05.10.2019, registered under the NDPS Act, is still pending trial, which is being faced by the petitioner.
7. In view of these facts, this Court is of the considered opinion that it is not a fit case for invoking jurisdiction under Section 482 Cr.P.C.
8. Consequently, the present petition is dismissed.
9. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

08th November 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>