

[286] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37510-2023
Date of Decision : 16.04.2024

Santosh Duhan and others ...Petitioners
versus
State of Haryana and anotherRespondents

Coram : **HON’BLE MR. JUSTICE PANKAJ JAIN**

Present : None for the petitioners.
Mr. Ramesh Kumar Ambavta, AAG, Haryana.
None for respondent No.2.

PANKAJ JAIN, J. (ORAL)

[1] On 03.08.2023, the following order was passed:-

“ Through this petition, petitioners seek quashing of FIR No.458, dated 22.12.2021 registered under Sections 406/420/506 IPC at Police Station Sector 06, Bahadurgarh, District Jhajjar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 28.07.2023 (Annexure P-2) arrived at between the parties.

Notice of motion.

Mr. Gurbir Singh Dhillon, AAG, Haryana accepts notice on behalf of respondent No.1-State and waives service.

Mr. Mukul Sheoran, Advocate for Mr. Vikas Kumar, Advocate, has put in appearance on behalf of respondent No.2 and filed his Power of Attorney, which is taken on record.

Learned counsel for the parties are ad idem that the parties have effected compromise dated 28.07.2023 (Annexure P-2).

Both the parties are directed to appear before the concerned trial Court/Duty Magistrate for recording their statements on 21.08.2023 or any other date convenient to the

trial Court/Duty Magistrate. The statement of Investigating Officer be also recorded on the same day, who would also identify the parties appearing before the Court. The original compromise shall be produced before the trial Court/Duty Magistrate.

The trial Court/Duty Magistrate is directed to submit a report on or before the next date of hearing, containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed person?*
- 3. Whether all the accused/petitioner(s) is/are appearing before the Court?*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 5. Whether the accused/petitioner(s) is/are involved in any other FIR or not?*
- 6. The trial Court/Duty Magistrate is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

The State to file status report before the next date.

Adjourned to 30.11.2023. ”

3. Pursuant to the aforesaid order, report dated 29.11.2023 from the learned Civil Judge (JD)/JMIC, Bahadurgarh, has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“XX XX XX

I have the honour to submit that in pursuance to directions issued by Hon’ble High Court in above referred order, accused persons moved an application through their counsel for recording their statements on 21.08.2023 but on very that day their learned counsel withdrew the application

without getting recorded statements of accused persons and so, the application was dismissed as withdrawn vide order dated 21.08.2023 of the Court of undersigned (Copy of order enclosed for ready reference). Neither the complainant nor the investigating officer of the case came present before the Court on 21.08.2023. Subsequently also, neither of party appeared before the Court of undersigned being area Magistrate for recording their statements qua compromise of the matter. Therefore, statements of parties qua compromise could not be recorded by the Court of undersigned as per direction issued by the Hon’ble High Court.

XX XX XX ”

4. As per the report of the learned Trial Court, the statements could not be recorded, as neither of party appeared to record their statements qua compromise of the matter.”
5. In view thereof, the present petition is dismissed at this stage.

(PANKAJ JAIN)
JUDGE

16.04.2024
'R. Sharma'

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