



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-38070-2019 (O&M)

Date of Decision: 13.12.2024

Vikas Kumar

.... Petitioner

Versus

State of Punjab and another

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the petitioner.

Ms. Aakanksha Gupta, A.A.G., Punjab.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 183 dated 08.12.2015 under Sections 498-A, 406 IPC at Police Station Sadar Hoshiarpur, District Hoshiarpur. (Annexure P/1) alongwith all consequential proceedings arising therefrom on the basis of compromise and affidavit, both dated 29.05.2019 (Annexure P/2 to P/3).

Perusal of the order sheets shows that vide order dated 06.11.2023 passed by a Coordinate Bench of this Court, parties were directed to appear before the learned trial Court/Ilqa Magistrate, for recording their statements qua genuineness of the compromise, for quashing of the above said FIR.

Pursuant thereto, report from the learned Judicial Magistrate Ist Class, Hoshiarpur, vide letter dated 23.01.2024 duly forwarded by the learned District and Sessions Judge, Hoshiarpur, was received, wherein it



had been reported that “*none of the parties to the present petition appeared before this Court till date to get their statement qua compromise recorded.*”

Vide last order dated 21.08.2024, at the request of learned counsel for the petitioner, one more opportunity was granted to the parties for recording their statements before the trial Court/Illaq Magistrate, with regard to the compromise and affidavit, both dated 29.05.2019 (Annexures P-2 and P-3 respectively) on 05.09.2024 or any other date convenient to the learned trial Court by moving an appropriate application or by presenting this order, subject to deposit of Rs.5,000/- as costs with the Punjab and Haryana High Court Lawyer's Welfare Association Fund, Chandigarh, within a period of one week from today. The trial Court/Illaq Magistrate was directed to submit fresh report on or before the next date of hearing i.e. 13.12.2024, in terms of order dated 06.11.2023.

Pursuant to order dated 21.08.2024, learned Judicial Magistrate Ist Class, Hoshiarpur has submitted his report dated 05.12.2024 duly forwarded by the learned District and Sessions Judge, Hoshiarpur on 07.12.2024, wherein it has been reported that “*none of the parties have come present for the purpose of recording their statements till today.*”

It is further observed that the costs of Rs.5,000/- has not been deposited, as directed vide last order dated 21.08.2024.



Even, written request for an adjournment has been circulated on behalf of learned counsel for the petitioner.

Therefore, it can safely be presumed that the petitioner or his counsel is not interested in pursuing the present petition and quashing of the FIR in question on the basis of the compromise and affidavit, both dated 29.05.2019 (Annexure P-2 and P-3 respectively), despite granting opportunity twice for recording statements to the parties.

The present petition stands dismissed.

Pending application, if any, stands disposed of.

13.12.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No