

278 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46051-2023 (O&M)
Date of Decision : March 13, 2024

Harjeet Singh alias Happy and anotherPetitioners

Vs.

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sumit Dua, Advocate for the petitioner.

Mr. Mohit Saroha, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

On 14.09.2023, the following order was passed :-

“The present petition has been filed for quashing of FIR No.101 dated 15.05.2022 under Sections 406, 420, 120-B IPC and Section 13 of Punjab Travel Professional (Regulation) Act, 2014, P.S. Phillaur, Jalandhar and all other consequential proceedings arising therefrom, on the basis of compromise dated 26.05.2023 (Annexure P-2) entered into between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into Compromise dated 26.05.2023 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion for 02.11.2023.

Mr. Kirat Singh Sidhu, DAG Punjab accepts notice on behalf of respondent no.1-State of

Punjab whereas Mr. Vishal Deep Goyal, Advocate accepts notice on behalf of the respondent no.2 and has filed his ,memo of appearance. He 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.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise dated 26.05.2023 (Annexure P-2) on 28.09.2023 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:-

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/- (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/Illaq Magistrate.”

Thereafter, on 11.10.2023, the following order was passed:-

“CRM-42779-2023

The prayer in the application under Section 482 Cr.P.C. is for seeking another opportunity for getting recorded statements of parties in terms of order dated 14.09.2023 with regard to genuineness of compromise before the Trial Court.

Heard.

For the reasons stated in the application, the same is allowed and the parties are directed to get record their statements in terms of order dated 14.09.2023 with regard to genuineness of compromise before the Trial Court on 20.10.2023.

CRM stands disposed of.”

Thereafter, on 02.11.2023, the following order was passed :-

“On 14.09.2023, 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 petitioners 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 04.03.2024.

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 20.12.2023 by moving an

appropriate application or by presenting this order, in terms of the order dated 14.09.2023 passed by a Coordinate Bench of this Court.”

Thereafter, on 15.12.2023, the following order was passed :-

“CRM-52574-2023

The present application has been filed by the applicants-petitioners for placing on record Annexure P-4.

For the reasons mentioned in the application, the same is allowed and Annexure P-4 is taken on record.

CRM-52603-2023

The present application has been filed by the applicants-petitioners for recording the statement of Harjeet Singh @ Happy regarding the compromise through his power of attorney holder Raghvir Singh.

Heard.

For the reasons mentioned in the application, the same is allowed and the parties are directed to get record their statements in terms of the order dated 14.09.2023 with regard to genuineness of compromise before the Trial Court on 25.01.2024.”

Thereafter, on 04.03.2024, the following order was passed:-

“The learned counsel for the complainant submits that he shall make an attempt to get the statement of Paramveer Singh recorded, who is one of the victims and residing abroad.

List again on 13.03.2024.”

Despite passing of the aforementioned orders the statement of Paramveer Singh has not been recorded.

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

However, the liberty is granted to the petitioners to approach this Court, once again when Paramveer Singh is traceable and is ready and willing to get his statement recorded.

March 13, 2024
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(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO