

130 CRM-M-33625-2023

NISHAN CHAND & ANR. VS STATE OF PUNJAB & ANR.

Present :- Mr. Umesh Kumar Kanwar, Advocate
for the petitioners.

At the outset learned counsel for the petitioners submits that keeping in view that petitioner No.2 is still a proclaimed offender he prays for withdrawal *qua* him. He further relies upon ***Lovely Salhotra & anr. Vs. State, NCT of Delhi (2018) 12 SCC 391*** to submit that in such circumstances partial quashing is permissible.

Allowed as prayed for.

By way of present petition, the petitioners seek quashing of FIR No.282 dated 27.11.2014, registered for offences punishable under Sections 406/420/120-B IPC at Police Station Rama Mandi, District Jalandhar on the basis of compromise dated 18.11.2016 (Annexure P-6).

Notice of motion.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab accepts notice on behalf of respondent No.1-State. Mr. Rajan Singh Dadwal, Advocate appears and accepts notice on behalf of respondent No.2 and admits the fact of there being a compromise between the parties.

In view of the above, the parties, i.e. the petitioners as well as respondent No.2 are directed to appear before learned Duty Magistrate/Illaq Magistrate/trial Court on 08.08.2023. On their doing so, the learned Duty Magistrate/Illaq Magistrate/trial Court shall record

their statements and furnish its report to this Court by the next date of hearing on the following aspects:-

1. *Number of persons arrayed as accused in the FIR.*
2. *Whether any accused is 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 case or not?*
5. *The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

A copy of the report be also sent to the Registrar Judicial of this Court.

Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the learned Illaqa Magistrate/trial Court shall be at liberty to call the parties on any other date but not later than a week thereafter.

Adjourned to 20.09.2023.

(PANKAJ JAIN)
JUDGE

17.07.2023
Pooja sharma-I