

LAKHWINDER SINGH VS STATE OF PUNJAB AND OTHERS

Present: Mr. Khush Karan Goyal, Advocate,
for the petitioner(s).

The present petition has been filed for quashing of cross-case registered vide DDR No.30 dated 12.09.2022 under Sections 323, 325, 34 IPC (Annexure P-1) in case FIR No.63 dated 05.09.2022 (Annexure P-2) under Sections 323, 341, 148, 149, 506 IPC and Section 325 IPC (added later on) at Police Station Balachaur, District Shaheed Bhagat Singh Nagar and all other consequential proceedings arising therefrom, on the basis of compromise and affidavit dated 15.06.2023 (Annexures P-4 and P-5), entered into between the parties.

Learned counsel for the petitioner submits that in order to live peacefully, parties have entered into compromise (Annexures P-4 & P-5), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion for 15.01.2024.

Mr. Kirat Singh Sidhu, DAG, Punjab, accepts notice on behalf of respondent No.1-State. Mr. Saurav Bhatia, Advocate, accepts notice on behalf of respondents No.2 and 3. 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 their statement with

regard to compromise/settlement (Annexures P-4 and P-5) on 04.09.2023 by moving an appropriate application or by presenting this order.

As respondent No.3 is stated to be out of country, the statement of respondent No.3 be recorded through Video Conferencing and the learned counsel before the Trial Court shall facilitate the same on the aforesaid date.

The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information in a tabulated form:-.

- 1. Number of persons arrayed 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 statements of the complainant and all the victims/persons aggrieved shall be recorded by the Trial Court;*
- 6. The Trial Court is also directed to record the statement of the Investigating Officer/any other officer aware of the facts of the case so as to know how many victims/complainants are there in the FIR and whether all the victim/complainant as well as accused are party to the compromise in question.*

The petitioner shall deposit a cost of Rs.25,000/- 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.

(JASJIT SINGH BEDI)
JUDGE