

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Crl. Misc. No. M-16242 of 2014 (O&M)
Date of decision : 27.01.2015

Ashok Kumar Mittal and others

....Petitioner

versus

State of U.T. Chd. and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Amarjit Kaur, Advocate, for
Mr. D.S. Nigah, Advocate
for the petitioners

Mr. A.S.Virk, Advocate
for U.T. Chandigarh

RITU BAHRI , J. (Oral)

Quashing of FIR No. 241 dated 09.08.2009 under Sections 147/149/323/354/380//452/448/506 registered at P.S. Sector 17, Chadigarh, is being sought on the basis of compromise dated 18.02.2014 (Annexure P-2).

F.I.R has been registered on the statement of respondent No. 2 against the petitioners with the allegations that on 05.08.2009, when the complainant was in Delhi, she got a call that the light of her house is open then she came to Chandigarh along with his brother Vinod and after reaching the house, they saw that the locks were broken and 7-8 persons have trespassed in the house. When the complainant asked his brother-in-laws about the trespass, they started giving abuses and used filthy languages and told her to left the spot otherwise, they will kill her. In the meantime, 3-4 boys came from inside the house and started giving thrash and fist blows. On raising hue and cry, the nearby people came at the spot, who rescued the complainant from their hands.

This Court received the status report dated 23.08.2014 and

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statements of all the parties have been recorded with regard to factum of compromise except Ravi Kumar-petitioner No 4. This Court vide order dated 27.08.2014 directed petitioner No. 4 to appear before the trial Court and submit his bail bonds, which shall be accepted by the trial Court but today again a status report dated 28.10.2014 has been received to the effect that petitioner No. 4 has not put in appearance.

As per report of Judicial Magistrate, 1st Class Chandigarh, statement of complainant-Sushma Mittal has been recorded to the effect that she had compromised the matter with the accused persons and has no grudge against them. She has no objection, if the present F.I.R be quashed against the petitioners. Joint Statement of petitioners-Ashok Kumar Mittal, Amit Kumar, Tinku, Ranjit Kumar, Vinod Kumar, Kuldeep Singh, Sonu, Sumer, Jitender Rana and Jatinder Kumar has been recorded to the same effect. Both the parties were identified by the respective counsels. The compromise has been entered voluntarily and without any pressure.

Consequently, in view of the status report and in view of the judgment of the Hon'ble Supreme Court in the case of Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429, the law laid down by the Full Bench of this Court in the case of Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (Crl.) 1052, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No. 241 dated 09.08.2009 under Sections 147/149/323/354/380//452/448/506 registered at P.S. Sector 17, Chadigarh, are quashed with all consequential proceedings arising therefrom qua petitioners except petitioner No. 4-Ravi Kumar.

The petition stands disposed of.

27.01.2015
G Arora

(RITU BAHRI)
JUDGE

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