

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18036-2015

Date of Decision: October 15, 2015

Vivek Sharma @ Vivek and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: None for the petitioners.

1. *Whether Reporters of local papers may be allowed to see the judgment?* **YES**
2. *To be referred to the Reporters or not?* **YES**
3. *Whether the judgment should be reported in the Digest?* **YES**

NARESH KUMAR SANGHI, J (Oral)

On 8.10.2015, the case was called twice but no one had put in appearance on behalf of the petitioners, therefore, the order was reserved.

After going through the material available on record, this Court finds that the present petition has been filed under Section 482, Cr.P.C., for quashing of FIR No. 378, dated 22.10.2014 (Annexure P-1), for the offences punishable under Sections 148, 307, 323, 325, 326, 427, 452 and 506 read with Section 149, IPC, registered at Police Station, Civil Lines, Police

District Amritsar City, and all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

The First Information Report (FIR) in the present case was lodged by respondent No. 2/informant, Kewal Kapoor, on the premise that on 22.10.2014, at about 1:45 p.m., he alongwith his son Karan Kapoor, and nephew Jatin Kumar, was present in the lobby, while their Gardener Mukesh and his companion Shivnath, was working in the lawn of his (informant) house. In the meantime, the petitioners armed with swords and baseball bats, forcibly entered in the house of the informant and exhorted that they (informant side) be taught a lesson for hitting a vehicle. The informant alongwith his son and nephew went on the roof of his house. The petitioners with their respective weapons badly damaged Maruti car, Honda City car and Innova car, which were standing in the house of the aggrieved persons and thereafter caused injuries to the Gardner Mukesh and his companion Shivnath. Initially, the FIR was registered for the offences punishable under Sections 148, 323, 427, 452 and 506 read with Section 149, IPC, but later on offences punishable under Sections 307, 325 and 326, IPC, were also added.

In the matter of **State of M.P. v. Manish and others,**
2015 (3) R.C.R. (Criminal) 710, Hon'ble the Supreme Court

held that the offence punishable under Section 307, IPC, definitely is against the society and the accused have to face trial and come out unscathed by demonstrating their innocence.

In the matter of **Yadwinder Singh @ Lakh Singh and others v. State of Punjab and another (CRM-M-11678-2015, decided on 21.09.2015)**, this Court also held that the offence punishable under Section 307, IPC, was against the society and, as such, the proceedings in that case could not be quashed on the basis of compromise effected between the injured and the accused.

In the case in hand, as per the petitioners themselves, the offences punishable under Sections 307, 325 and 326, IPC, have been added and, as such, the proceedings in the present case cannot be quashed even though respondent No.2/informant, Kewal Kapoor, and respondent No. 3/injured, Shivnath, have entered into a compromise with the petitioners.

In view of above, there is no merit in the present petition and the same is dismissed.

(NARESH KUMAR SANGHI)
JUDGE

October 15, 2015
Pkapoor