

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15749 of 2016
Date of Decision: 07.11.2016

Sandeep Kumar and Others

.....Petitioners

Vs.

Satish Kumar

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.N.K.Manchanda, Advocate, for the petitioners.

Mr.Achin Gupta, Advocate, for the respondent.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of Criminal Complaint No.121 dated 26.03.2013, for the offence under Sections 452, 353, 324, 323, 506, 307, 148, 149 IPC and summoning order dated 08.01.2016 for the offence under Section 452, 323, 307, 34 IPC (Annexure P-2) passed by learned ACJM, Faridkot, pending for 06.05.2016 and all consequential proceedings arising out of FIR No.37 dated 22.02.2013 registered at Police Station City Kotkapura, on the basis of Affidavit/compromise dated 29.04.2016. (Annexure P-3).

It was alleged by the complainant that complainant-Satish Kumar was going towards Faridkot road in connection with domestic work on his scooter at the very low speed, when complainant reached near K.K.Dairy, his scooter struck against Sandeep Kumar-petitioner No.1, due to which Sandeep Kumar accused did not suffer even a minor injury but he started abusing the complainant and when complainant opposed, he got even

louder in abusing and threatened the complainant and then he and other petitioners inflicted injuries upon the complainant and when complainant raised hue and cry, his nephew Ashu Kumar came at the spot and rescued him and took him to civil hospital, Kotkapura. Thereafter, petitioners again came to civil hospital, Kotkapura on 20.02.2013 and again attacked on him and inflicted injuries on head, chest, lower lip and lower eye. On this background, the FIR was registered.

During the pendency of the trial, the matter has been resolved between the petitioners and respondent-Satish Kumar, vide compromise/affidavit dated 29.04.2016 (Annexure P-3).

In compliance with the order dated 23.05.2016 passed by this Court, the parties got recorded their statements before the trial Court. Report from the JMIC, Faridkot, has been received in this regard. As per report, Satish Kumar-complainant and accused-petitioners appeared before the trial Court on 01.07.2016 for getting their statements recorded in support of the compromise. In this regard statements of complainant- Satish Kumar and accused-petitioners were recorded to the effect that they have compromised the matter and Satish Kumar-complainant has no objection if the present FIR is quashed against these accused. Statements of accused-petitioners were also recorded to the same effect. In view of separate statements of the parties, the Court is satisfied that the compromise is valid and genuine one.

Consequently, in view of the status report and 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 others Vs. State of

Punjab and another 2007(3) RCR (CrI.) 1052, this Court is of the view that no useful purpose would be served in prolonging the litigation.

It is made clear that the connected petition i.e. CRM-M-15706 of 2016 whereas, FIR No.37 dated 22.02.2013 registered at Police Station City Kotkapura has been quashed on the basis of compromise qua the petitioner on the even date.

Accordingly, Criminal Complaint No.121 dated 26.03.2013, for the offence under Sections 452, 353, 324, 323, 506, 307, 148, 149 IPC and summoning order dated 08.01.2016 for the offence under Section 452, 323, 307, 34 IPC (Annexure P-2) passed by learned ACJM, Faridkot, pending for 06.05.2016 is quashed along with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

07.11.2016
anil

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>