

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-508 of 2016

Date of Decision: 11.07.2016

Sube Singh and others

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Sandeep Kumar Yadav, Advocate for the petitioners.

Mr.Himmat Singh, DAG Haryana.

Mr.Vijay Sangwan, Advocate, for respondents No.2 to 6.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of cross case under Sections 323/452/506/34 IPC (Annexure P-2) in FIR No.120 dated 26.06.2014 for the offence under Sections 148/149/323/354-A/452/506 IPC and subsequently added Section 11 of POCSO Act (Annexure P-1), Police Station Ateli, District Mahendergarh along with all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

The FIR was registered on the basis of statement made by Sube Singh-petitioner No.1 in the cross case against the accused-respondents No.2 to 6 to the effect that Kavita daughter of Jai Singh had disclosed that she was coming after taking water from the hand pump when she reached near Badkuan of Baba then Narender son of Udai Singh caste Ahir resident of Village Kehri started obscene activities with her and put his hand on the wrong places when

the girl had objected he had given fist blow and slaps then she started weeping and went to her home and disclosed to her mother and brother. Thereafter, brothers of Kavita came while Narender was on road and they said that why you have insulted our sister then he said I will abduct your sister, she is his lover and due to this there was exchange of hot words but people were rescued them. After that complainant-Sube Singh was also beaten by the accused-respondents No.2 to 6. On this background, the FIR was registered.

Thereafter, respondents No.2 to 6 filed cross case against the petitioners in the present FIR which was registered on the statement of Udai Singh-respondent No.2 to the effect that his wife Bimla had told him that Sanju son of Sube Singh and Manoj son of Jai Singh had scuffle with her. In the meantime, Sube Singh had come and said to him that his wife had made false allegations against his son and Sube Singh and his party started giving beatings with cane. In the quarrel, my wife Bimla, son Vikas, Narinder, Rajinder son of Mukh Ram was also there and they had received injuries. Due to injury on his head, he fell down and he was sent to Govt. Hospital, Ateli then he was referred to Narnaul. On this background, cross case has been registered in the present FIR.

During the pendency of the trial, the matter has been resolved between the petitioners and respondents No.2 to 6, vide compromise deed/affidavit (Annexure P-3).

In compliance with the order dated 08.01.2016 passed by this Court, the parties got recorded their statements before the trial Court. Reports from the Civil Judge (Jr.Divn.), Narnaul, have been received separately which have been attached with the present case and the connected matter arising out of the same

FIR. According to the report, parties have resolved their dispute by way of

compromise and complainant-Uday Singh has no objection if the cross case in the above said FIR is quashed. 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 (Crl.) 1052, this Court is of the view that no useful purpose would be served in prolonging the litigation.

Accordingly, cross case under Sections 323/452/506/34 IPC (Annexure P-2) in FIR No.120 dated 26.06.2014 for the offence under Sections 148/149/323/354-A/452/506 IPC and subsequently added Section 11 of POCSO Act (Annexure P-1), Police Station Ateli, District Mahendergarh, is quashed along with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

11.07.2016
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