

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Date of decision: 22.03.2017
CRM No. M-3267 of 2017**

1.

Vinay Sharma and others

...Petitioners

Versus

State of Punjab and others

...Respondents

2.

CRM No. M-3281 of 2017

Vimla Kumari and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Vikas Bhardwaj, Advocate,
for the petitioners (in CRM-M-3267-2017).**

**Mr. R.S. Duggal, Advocate,
for the petitioners (in CRM-M-3281-2017).**

Mr. A.P.S. Gill, AAG, Punjab.

Ritu Bahri, J.

By this common order, Crl. Misc No. M-3267 of 2017 & Crl.
Misc No. M-3281 of 2017 shall be decided together wherein prayer is for
quashing of FIR No. 61 dated 24.06.2016, under Sections 323, 354,
354-A, 294, 509, 34 IPC, registered at Police Station, Naya Gaon, District
Mohali and cross version registered under Sections 452, 323, 379-B, 342,
506, 427, 34 IPC in FIR No. 61 dated 24.06.2016, under Sections 323, 354,

354-A, 294, 509, 34 IPC, registered at Police Station, Police Station Naya Gaon, District Mohali and subsequent proceedings arising therefrom on the basis of compromise dated 09.01.2017 (Annexure P-2).

F.I.R. No. 61 dated 24.06.2016 was registered on the basis of statement made by Vimla Kumari-respondent No.2 to the effect that on 23.06.2016, at about 4.30 P.M., she was present at her house. In the meantime, she received a telephone call from her brother that Sunny and Surjit had attacked him with brick and stick and also teased her sister-in-law. Upon this, the complainant reached the house of his brother and came to know that Sunny and Surjit had tried to outrage the modesty of her sister-in-law (*Bharjai*). When brother of the complainant came forward to rescue his wife, the accused persons assaulted him with a wooden stick. They gave abuses to the complainant as well. Thereafter, the police came to the spot and arrested the accused persons. In this background, the FIR was registered.

Cross version i.e. DDR No.20 dated 24.06.2016 was registered on the basis of statement made by Vinay Sharma-respondent No.2 (in CRM-M-3281-2017) to the effect that on 23.06.2016, at about 5.00 P.M., when he had gone to meet his friend Surjit Singh at his house, in the meantime, Subhash, Advocate, his wife, sister, two nephews and some unidentified persons entered in their room. At that time they were armed with sticks and hockeys. Thereafter, all of them inflicted injuries to them with their respective weapons. They raised hue and cry, due to which, lot of people gathered there. On seeing them, the assailants fled away along with their respective weapons. While leaving the spot, Subhash, Advocate, had

snatched the mobile of complainant. In this background, the DDR was registered.

After registration of the FIR, with the intervention of respectable persons, the matter has been compromised between the parties vide compromise deed dated 09.01.2017 (Annexure P-2).

In compliance with the order dated 02.02.2017 passed in both the petitions, both the parties got recorded their statements before the trial Court. Report from the Judicial Magistrate Ist Class, Kharar, has been received in this regard. As per report, statements of the parties have been recorded to the effect that they have arrived into compromise. The compromise is voluntarily, without any pressure, coercion and with free will. They have no objection if the F.I.R is quashed.

Taking into account that the compromise has been effected between the parties and the compromise deed is dated 09.01.2017 (Annexure P-2), whereby the parties have decided to get the F.I.R. and its cross version quashed, it is a fit case where there is no impediment in the way of the Court to exercise its inherent powers under Section 482 Cr.P.C for quashing of F.I.R and cross-version (D.D.R) in the interest of justice.

Consequently, in view of the status report and the judgments passed by the Hon'ble Supreme Court in **Madan Mohan Abbot vs. State of Punjab** 2008(4) S.C.C. 582 and 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. 61 dated 24.06.2016, under Sections 323,

354, 354-A, 294, 509, 34 IPC, registered at Police Station, Naya Gaon, District Mohali and cross version registered under Sections 452, 323, 379-B, 342, 506, 427, 34 IPC in FIR No. 61 dated 24.06.2016, under Sections 323, 354, 354-A, 294, 509, 34 IPC, registered at Police Station, Police Station Naya Gaon, District Mohali, are quashed with all consequential proceedings arising therefrom qua the petitioners.

Both the petitions i.e. Crl. Misc No. M-3267 of 2017 & Crl. Misc No. M-3281 of 2017 stand disposed of accordingly.

22.03.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No