

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**1. CRM-M-7516 of 2016 (O&M)
Date of decision: 17.04.2017**

Amandeep Kumar and others Petitioners

Versus

State of Punjab and another Respondents

2. CRM-M-7907 of 2016 (O&M)

Manjit Khan @ Kaiya Khan and others Petitioners

Versus

State of Punjab and another Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amanpreet Kaur, Advocate
for Mr. Abhishek Bhardwaj, Advocate
for petitioners in CRM-M-7516 of 2016.
for respondent no. 2 to 4 in CRM-M-7907 of 2016.

Mr. Hitesh Kumar Sammi, Advocate
for the petitioners in CRM-M-7907-2016 and
for respondents no. 2 to 5 in CRM-M-7516 of 2016.

Mr. Ashish Sanghi, DAG, Punjab.

SURINDER GUPTA, J.

Both the petitions have been taken up together as petitioners in these petitions have sought quashing of FIR No. 4 dated 07.01.2016, (Annexure P-1) registered at Police Station Mullepur, District Fatehgarh Sahib for offences punishable under Sections 452, 323, 365, 148 and 149 of Indian Penal Code (for short 'IPC') and cross-case registered vide DDR No. 26 dated 07.04.2016, registered for offences punishable under Sections 341, 323, 427, 452, 506, 148 and 149 IPC at Police Station Mullepur, District Fatehgarh Sahib, on the basis of compromise dated 01.02.2016 (Annexure

P-3).

As per case of the prosecution, on 06.01.2016 complainant-Sunil Kumar at about 08.00 p.m., was talking to his family after taking meal, when petitioner-Manjit Khan @ Kaiya Khan alongwith other petitioners (CRM-M-7907-2016) came in car bearing registration no. HR-70B-1131 and parked the same in front of the house of complainant. They raised volume of stereo of the said car and started taking wine. They also used abusive language against complainant and his family members and threw stones in his house. Upon this Sandeep Kumar brother of complainant came out of the house and petitioner, who were armed with weapons like, *kirpan, soti, kahi* etc. intruded the house of complainant and started beating him, his brother and uncle Som Nath. On hearing the hue and cry, people gathered at the spot, who saved them from the accused party. As a result of this occurrence, complainant and his family members suffered injuries.

A cross-case vide DDR No. 26 dated 07.01.2016 was registered on the statement of Darshan Singh against the complainant party in FIR.

Learned counsel for the petitioners submits that the matter has since been settled vide compromise, copy of which has been placed on file as Annexure P-3.

Learned State counsel has also not disputed compromise (Annexure P-3).

In order to verify the veracity and genuineness of the settlement between the parties, they were directed to appear before the trial court and get their statements recorded. The trial court after recording statements of parties, which include accused, complainant and injured, has sent its report dated 03.04.2017 stating therein that the compromise has been effected

between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.

Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR and DDR in cross-case should be quashed. Keeping these cases pending will not serve the ends of justice. The quashing of the FIR and cross-case will provide the parties to this petition an opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties but also for their families and ultimately the society at large.

For the reasons as discussed above, the instant petitions are allowed and impugned FIR No. 4 dated 07.01.2016, (Annexure P-1) registered for offences punishable under Sections 452, 323, 365, 148 and 149 IPC and cross-case registered vide DDR No. 26 dated 07.04.2016, for offences punishable under Sections 341, 323, 427, 452, 506, 148 and 149 IPC at Police Station Mullepur, District Fatehgarh Sahib, are ordered to be quashed alongwith all consequential proceedings arising therefrom, qua petitioners, on the basis of compromise dated 01.02.2016 (Annexure P-3).

April 17, 2017

jk

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No