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

Date of Decision: 23.01.2018

1. CRM-M No.26064 of 2017

Chetan Vashisht and others

.....Petitioner

Vs

State of Punjab and others

.....Respondents

2. CRM-M No.20271 of 2017

Dikshit Puri

.....Petitioner

Vs

State of Punjab and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Vishal Sharma, Advocate
for the petitioners in CRM-M No.26064 of 2017 and
for respondents No.2 to 4 in CRM-M No.20271 of 2017.

Mr. D.S. Gurna, Advocate
for the petitioner in CRM-M No.20271 of 2017 and
for respondent No.2 in CRM-M No.26064 of 2017.

Mr. Randhir Singh Thind, DAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

Vide this common order, CRM-M No.26064 of 2017 titled Chetan Vashisht and others Vs. State of Punjab and others and CRM-M No.20271 of 2017 titled Dikshit Puri Vs. State of Punjab and others are being disposed of.

Prayer in CRM-M No.26064 of 2017 is for quashing of FIR No. 61 dated 12.07.2016 registered under Sections 308, 506, 148, 149 IPC at Police Station Division No.1, District Ludhiana as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Prayer in CRM-M No.20271 of 2017 is for quashing of DDR No.28 dated 17.07.2016 registered under Sections 323, 324, 506, 427, 148, 149 IPC at Police Station Division No.1, Ludhiana (hereinafter called as cross case to the aforesaid FIR) and all subsequent proceedings arising therefrom on the basis of compromise.

FIR was registered on the statement of Dixit Puri. The allegations are summed up hereasunder:

“12. Contents of FIR: Statement of Diskhit Puri son of Vijay Kumar Puri resident of House No.19-A, New Punjab Mata Nagar, Pakhowal Road, Ludhiana, Mobile No.87259-33669 aged about 29 years stated that I am

resident of above address. On intervening night of 9/10.07.2016, I had gone to take dinner at Shere Punjab Hotel, near Railway Station Ludhiana along with my friend Arshdeep Singh, Dilpreet Singh residents of Vasant City of Pakhowal road, Surinder Singh and Akash Mann resident of Basti Jodhewal on my Alto Car PB-10-FQ-0531. Car was parked in front of a closed shop near the hotel where other cars were also parked. At about 1:30 AM when I was about to reverse my car then I asked for taking aside another car bearing No.PB-10-CD-007, Honda Civic in which 4-5 boys were sitting but they started abusing us. I alighted from my car and asked the reason for abuses. Then all the persons attacked me and I came to know the name of one of them as Chetan Vashisht son of Harpinder Vashisht, resident of Sudan Mohalla, Daresi Road, Ludhiana. These persons took out from their car baseball bats and other sharp weapons and started beatings us. They also attacked on my head with intention to kill. I was about to fall that my friends Arshdeep, Dilpreet, Surinder and Akash Mann came out of car. They were also given beatings by them. They also called other accomplices on the spot and gave swear beatings to us. Public gathered there. These persons fled from the scene by raising lalkara's and giving threats of killing us. The number of their black Honda city car is PB-10-CD-0007 and there were two other cars also. My friends put me into the car and informed my father. Blood was flushing out of my head and I was got admitted in Sobti Neuro Centre, Civil Lines Ludhiana for treatment where doctors are

treating me. I have got my statement recorded with you which is read over to me and is correct. Sd/- Dikshit Puri, 87259-33669.”

The cross case was registered at the instance of Chetan Vashshit to the following effect:-

“SHO, P.S. Kotwali, Sir, it is submitted that I Chetan Vashisht son of Harpinder Vashisht resident of House No.B-4, U-1027, Sudan Mohalla, Daresi Road, Ludhiana, I am running a Bakery Shop in the name and style of Sita Ram Bakery. On 10.07.2016 at around 1:30 AM, I had gone to Shere Punjab Dhaba to get my dinner packed. I was reversing my car then a person sitting in Alto Car abused me and while I was reversing my car, he came out of his car and gave a kara blow on my head. The blood started oozing out of my head. There are another 6 young persons in the car who hit my car with the bricks and damage was caused to car. My friends Umesh Sood and Mansimran Singh were also with me who were also given the beatings and these persons left the spot when public gathered there. I fear danger to my life. Alto Car's No. is PB-10-FQ-0531 colour white. Sd/- in English, Chetan, 97790-44442, 68-5D/PS Division 1, D.T. 17.07.2016, ASI Jaswinder Singh for inquiry and legal action as per law. Sd/- Sumit Sood, Inspector, P.S. Pakhowal, Ludhiana, 17.07.2016. Action Police:- Present ASI was handed over said complaint by MHC Major Singh, 1384, marked by SHO which is a complaint by Chetan Vashisht son of Harminder Vashisht, Resident of House No.B-4, U-1027, Sudan Mohalla, Daresi Road,

Ludhiana against the persons riding also car bearing No.PB-10-FQ-0531. That on 10.07.2016 the persons had given beatings to them and his friends Umesh Sood and Mansirman Singh and also caused damage to his car. Occurrence is of 9/10.07.2016 night, 1:30 AM regarding which FIR No.61 dated 12.07.2016 U/s 308, 506, 148, 149 IPC is already registered at P.S. Kotwali on the statement of Diskshit Puri son of Vijay Puri resident of 19-A, New Punjab Mata Nagar, Pakhowal Road, Ludhiana. Occurrence being the same a cross case being registered U/s 323, 324, 506, 427, 148, 149 IPC on the basis of MLR No.AS/975/2016 of Chetan Vashisht in which doctor has shown the four injuries out of which injuries No.1 and 2 are sharp and injuries No.3 and 4 are blunt. Injuries No.1 and 4 are kept for x-ray and MLR No.AS/976/2016 of Mansimran Singh in which 5 injuries are recorded and all are blunt. 1 and 4 are under x-ray whereas injuries No.2, 3 and 5 are simple. A cross case be registered and special reports be sent to senior officers and Magistrate. Report is entered in roznamcha. SHO is apprised of the situation and further action would be taken as per his instructions. Sd/- ASI Jaswinder Singh, P.S. Kotwali, Ludhiana, 17.07.2016.”

In both the aforesaid petitions, parties were directed to appear before the trial Court vide order dated 26.07.2017 for making statements in the context of genuineness of the compromise in question. Dixit Puri and Chetan Vashisht have received injuries on their persons and both have deposed

before the trial Court on 31.08.2017 in the context of genuineness and voluntary nature of compromise. Judicial Magistrate Ist Class, Ludhiana has recorded the statements of Dikshit Puri, Dilpreet Singh, Arshdeep Singh, Chetan Vashisht, Umesh Sood, Mansimran Singh, Surinder Singh and Akash Maan @ Narinder in version and cross version. Trial Court has recorded its satisfaction with regard to genuineness of the compromise which has been effected between the parties with their free consent, without any inducement, threat and undue influence. Since the dispute has occurred all of sudden on account of sudden provocation without there being any meeting of mind, therefore, this Court is satisfied that the compromise in question would go in a long way to bring peace and harmony between the parties.

Having perused the material on record, this Court is of the opinion that in view of compromise on record, chances of ultimate conviction of the accused are remote and bleak. There is minimal chance of the witnesses coming forward to depose in support of prosecution version. In view of remote chances of conviction, it would be just and appropriate to exercise extraordinary jurisdiction of this Court under Section 482 Cr.P.C. to put an end to the controversy for all times to come. The compromise would facilitate both the parties to live in peace and

to maintain public tranquility. The offences in question are personal in nature and do not involve any heinous and serious offence of any mental depravity, nor it involves any offence covered under Prevention of Corruption Act. Therefore, when possibility of conviction is remote and bleak, continuation of criminal proceedings would put the accused to oppression and prejudice. In such a situation, the exercise of power to quash the proceedings would be in consonance with the interest of justice and to prevent unnecessary continuation of proceedings which may ultimately result in some unnecessary vagaries of criminal trial.

Learned State counsel, however, objects the same, but in order to prevent unnecessary continuation of criminal proceedings, this Court is of the opinion that it would be in fitness of things to quash the proceedings on the basis of compromise.

The compromise in question is fully in consonance with the guidelines framed in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and **Gian Singh vs. State of Punjab and another 2012 (4) RCR (Crl.) 543.**

Resultantly, FIR No. 61 dated 12.07.2016 registered under Sections 308, 506, 148, 149 IPC at Police Station Division No.1, District Ludhiana and DDR No.28 dated 17.07.2016 registered

under Sections 323, 324, 506, 427, 148, 149 IPC at Police Station Division No.1, Ludhiana (hereinafter called as cross case to the aforesaid FIR) along with subsequent proceedings arising therefrom, are quashed.

Both the petitions stand disposed of.

January 23, 2018

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No