

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

CRM-M-29395-2018 (O&M)

Date of decision:14.12.2018

Ranbir Singh and others

.....Petitioners

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Naveen Bawa, Advocate for the petitioners.

Ms. Sunint Kaur, AAG, Punjab.

Kuldip Singh, J. (Oral)

Petitioners have moved this petition under 482 Cr.P.C. for quashing of FIR No.79 dated 26.04.2018 (Annexure P-1) under Sections 323/427/452/506/148/149/325/326 of Indian Penal Code, registered at Police Station Sadar Amritsar, District Amritsar.

The perusal of the FIR shows that Avtar Singh @ Kala-husband of Surinder Kaur-complainant was earning livelihood by selling food articles on wheel cart of fried snacks outside his house. On 25.04.2018, at about 8.00 pm, Sonu Fauji came to the said wheel cart and demanded fried snacks. The same were refused on the ground that Sonu along with his friends Ranbir Singh and Ravi owe money to Avtar Singh. Sonu left by threatening the said Avtar Singh-husnand of the complainant. On 26.04.2018 at about 12.30 am, all the accused persons along with 15-20

unknown persons came at the main gate of the house of the complainant and after raising lalkara, they started breaking the wheels of the cart of fried snacks with base ball and datar.

After damaging the wheel cart, they entered the house of the complainant. After damaging the gate, they started beating them. Sonu Fauji gave brick bat blow on the left side of face of the complainant-Surinder Kaur and also hit the brick on the left leg and thigh of complainant as well as on little finger of left hand. Gurwinder Singh-friend of son of complainant was then came forward, who was given datar blow on his nose and head by Ravi and Ranbir Singh hit with base ball on the jaw of Gurwinder Singh with brick and Sunny hit on left arm and hand of husband of the complainant. These unknown persons came in three cars i.e. one vehicle Safari colour black and two Swift cars colour White and the number plates of all the cars were covered with wet mud. Injuries on the nose of Gurwinder Singh was found to be grievous being fractured therefore, offence under Section 326 IPC was added.

Vide order dated 17.07.2018, Co-ordinate Bench of this Court ordered both the parties to appear before the trial Court which was directed to record statements regarding compromise and submit a report. The trial Court has recorded the statement of the parties and has reported that parties effected compromise which is without any fear or pressure.

I have heard learned counsel for the parties and carefully gone through the file.

The perusal of the FIR and the police file shows that the crime was committed in a professional manner. Accused were accompanied by

15-20 persons who came on three vehicles. Number plates were covered with wet mud to conceal the identity of the vehicles. They not only damaged the wheel cart of husband of the complainant but also broke the gate, entered the house and started beating the complainant, her son and husband. At that time, they were carrying base balls, brick bat, sword and datar. After considering the nature of the crime and manner in which it was committed, I am of the view that the interest of society requires is that such persons should be brought to be booked and matter be decided on merits. It being so, there is no ground to quash the FIR No.79 dated 26.04.2018 (Annexure P-1) under Sections 323/427/452/506/148/149/325/326 of Indian Penal Code, registered at Police Station Sadar Amritsar, District Amritsar.

Let the police present the final report before the trial Court and the trial Court is directed to decide the matter.

Petition is accordingly dismissed.

(KULDIP SINGH)
JUDGE

14.12.2018
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Whether speaking/ reasoned:	Yes
Whether Reportable:	No