

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

CRM-M-47585-2017 (O&M)

Date of decision: 06.12.2018

Vikas @ Boxer and others

...Petitioners

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Amardeep Sheoran, Advocate
for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. J.P. Jangu, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.165 dated 12.09.2017, registered under Section 307/34 of the Indian Penal Code (for short 'IPC') and Section 25 of Arms Act at Police Station Siwani, District Bhiwani and subsequent proceedings arising therefrom on the basis of compromise-affidavit dated 06.12.2017 (Annexures P-2 and P-3).

In the present case, the FIR was registered on the statement of Vijay Singh son of Gangajal. Now, dispute between the parties has been resolved.

Vide order dated 31.07.2018, the parties were directed to appear before the learned Illaqa Magistrate/trial court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned District and Sessions Judge, Bhiwani wherein it has been reported as under:-

“Complainant-Vijay appeared and made the statement that he had lodged FIR No.165 dated 12.09.2017, under Section 307/34 IPC and Section 25 of Arms Act, against 3-4 unknown persons. Accused Jai Kumar @ Bahadur; Sunil @ Kalia; Vikas @ Boxer and Ved Parkash are not those persons who had followed his car or fired shots in the air. These persons never hit his car. He did not suffer any injury in the incident. However, he has stated that there has been no compromise between the parties, whereas, accused Jai Kumar @ Bahadur; Sunil @ Kalia; Vikas @ Boxer and Ved Parkash have stated that they have been implicated by the police. They had never followed or hit the car of the complainant or ever fired any shot in the air.”

It is a case of the prosecution that on 11th September, 2017, complainant, who was working as Lineman in the Electricity Department, was going along with his one assistant Shakti Singh in a vehicle. During that time, another vehicle make Fortuner was following them and fired shots in the air while chasing the vehicle of the complainant.

After going through the report of learned District and Sessions Judge, Bhiwani, this court is of the view that no offence is made out against the present petitioners and no useful purpose is served by continuing the proceedings against the petitioners.

For the foregoing reasons, the petition is allowed and FIR No.165 dated 12.09.2017, registered under Section 307/34 IPC and Section 25 of Arms Act at Police Station Siwani, District Bhiwani and subsequent proceedings arising therefrom stands quashed qua petitioners.

December 06, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no