

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

243

CRM-M No. 1933 of 2021 (O&M)
Reserved on January 05, 2022
Pronounced on : 09.02.2022

Abhimanyu and Others

.....Petitioners

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kamal Deep Sehra, Advocate
for the petitioners.

Mr. Rajat Gautam, DAG, Haryana.

(Through Video Conferencing)

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
01	01.01.2021	Sector-20, Panchkula, District Panchkula	160 of IPC

Challenging the registration of FIR on affray punishable under Section 160 of IPC, the accused have come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings.

2. The gist of the allegations against the petitioner(s) is that on 1st January, 2021 i.e. on the new year eve, the police received an information that three boys are creating commotion and using abusive language in Sector 20 Market during midnight. On receiving such information the police officials reached at the spot and found the accused inebriated condition, they were detained and subsequently the police recorded statement of the informant which led to registration of FIR captioned above.

3. Affray has been defined in Section 159 of IPC when two or more persons fight in a public place and disturb public peace they are said to commit an affray. Although they were fighting in the public place but there is no evidence that they were disturbing public peace. It was the duty guard who noticed them and subsequently called police officials. As per the FIR nothing

sufficient has been stated to constitute affray.

4. Given above, although it may not be an offence of affray and would not fall under Section 160 of IPC, but such behavior is certainly not appropriate. Although this court proceed to quash the FIR however, this court would pass a conditional order to ensure that such type of people do not get arms licences. Given above, the petitioners should surrender their firearms if any within ten days from today.

5. Considering the facts and circumstances peculiar to this case, the Court invokes the inherent jurisdiction under section 482 CrPC and quashes the FIR and all subsequent proceedings against the petitioners. The bail bonds of the petitioner are accordingly discharged. All pending application(s), if any, stand closed.

6. Given the nature of allegations and the other circumstances peculiar to this case, the petitioner/accused shall surrender all weapons, firearms, ammunition, if any, and the arms license to the concerned authority within 30 days from today and inform the Investigator about the compliance. However, if the concerned Superintendent of Police gives written permission to arrive at such a decision to retain the firearms and license, then this condition shall not be applicable.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

February 09, 2022
Sunil Devi

Whether speaking/reasoned:	Yes
Whether reportable:	No.