

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

120

CRM-M-55318 of 2019 (O & M)
Date of decision :11.03.2022

Saminder Singh @ Sunny and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rahul Deswal, Advocate for the petitioners.

Ms. Mahima Yashpal, AAG, Haryana
for respondent No.1-State.

Ms. Divya Arora, Advocate for the
complainants-respondents No.2 to 4.

SUVIR SEHGAL, J.

CRM-8211-2022

For the reasons given in the application, it is allowed.

Hearing of the main case is preponed to today and is ordered to
be taken on Board today itself.

Main Case

Vide the instant petition filed under Section 482 of the Code of Criminal Procedure, 1973, (for short - 'the Code'), the petitioners seek quashing of FIR No.1166 dated 15.10.2018 registered for offences under Sections 323, 324, 325, 34, 341, 354-B, 427, 506 IPC at Police Station Sadar District Karnal, Annexure P-1, alongwith all consequential proceedings arising out of the FIR, on the basis of compromise dated 16.09.2019, Annexure P-2 and affidavits dated 16.09.2019, Annexure P-3.

As per the case of the prosecution, FIR, Annexure P-1, has been registered on a complaint which is signed by four members of a family (names of all four have been withheld). The allegation levelled in the FIR is that a family comprising of parents, a son and a daughter, were on their way back in their vehicle from a 'Jagrata', when two boys on a scooter started teasing and misbehaving with the ladies and tried to block their way. After sometime, when the family entered the street of their house, the boys and their accomplices, who were armed, flung a stone at them, forcing the family to get down from the vehicle. The accused assaulted the family, hit them with the hockey and bamboo sticks and hit the son with a knife. They also tore the clothes of the daughter. The son was admitted in Kalpana Hospital where he was given medical aid. As the police officials of Sector 6 police Post did not attend to them till 6.00 pm, another complaint was lodged. The vehicle of the family was damaged. Three boys, who assaulted the family have been identified their names are Monty, Sunny, Surinder (petitioner herein) and they are extending continuous threats to them.

Heard counsel for the parties.

A family comprising of women, who were on their way back home at late hours, have been assaulted and injured by the petitioners. There is accusation of disrobing a young lady. The allegations levelled in the FIR have been duly supported by the victim-family in their statements recorded under Section 164 Cr.P.C. where they have minutely described the sordid incident. The so-called compromise on which reliance has been placed is neither signed by all the victims, who were also the complainants, nor does it appear to be voluntary. Condoning such a vile act of hooliganism will not send a right message to the society and rather embolden anti-social elements.

Keeping in view the facts and circumstances, nature of accusations and the judgment of the Supreme Court in **State of Madhya Pradesh vs. Laxmi Narayan and others (2019) 5 SCC 688**, this Court is of the view that the FIR cannot be quashed on the basis of the compromise.

Petition is dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

11.03.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No