

CRM-M-16960-2021

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(273)

CRM-M-16960-2021

DATE OF DECISION:- 22.08.2023

SUBHASH AND OTHERS

...PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Vaishali Kamboj, Advocate for the petitioners.

Mr. Ramender Singh Chauhan, AAG, Haryana
for the State-respondent No.1.

Mr. R.S.Budhwar, Advocate
For respondent No.3.

SUVIR SEHGAL, J. (Oral)

1. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners have moved this Court for quashing of FIR No. 117 dated 30.03.2021 lodged for offences under Sections 148, 149, 323, 324, 379-A, 427, 452 and 506, IPC at Police Station Pinjore, District Panchkula, Annexure P-1, on the basis of a compromise dated 15.04.2021, Annexure P-2, effected between the parties, along with all consequential proceedings arising therefrom.

2. Brief factual matrix deserves to be noticed. FIR, Annexure P-1, has been registered on the complaint of Hakam Singh, who is running a General Merchandise shop, stating that in the evening on 29.03.2021 on the

CRM-M-16960-2021

-2-

day of the Holi festival, Subhash, Ricky, Naseeb and Govind came to his shop in an inebriated state and asked for cashew nuts and almonds. On being told that he does not stock dry fruit, they started misbehaving with the complainant. He managed to flee and enter his house, but all the four assailants chased him. Subhash threatened him with a revolver. Naseeb took out a sword and hit him between his neck and shoulder. When his son, Amandeep, came to rescue him, he was also threatened with the revolver by Subhash. Ricky @ Kalu hit him with an iron rod and 7-8 more boys, who were accompanying them, attacked and inflicted injuries on them. On hearing the commotion, the ladies of the house as well as the neighbours started gathering. On hearing the siren of a PCR, the boys fled from the spot with their weapons and vehicle. While fleeing, Subhash threatened the complainant to kill him and his family and one of the assailants, snatched a gold chain. They also damaged his car, which was parked outside. The victims were taken to CHC, Karnal for treatment.

3. After recording the statements of the accused-petitioners, complainant, victim and the Investigating Officer, the Trial Court has sent a report to the effect that the compromise is genuine and voluntary and has not been entered into under coercion or undue influence. It has also been submitted that Subhash, Govind and Naseeb Singh, accused-petitioners No.1, 2 and 4 have criminal antecedents and there are criminal cases registered against them for various offences under the Indian Penal Code, 1860 as well as Arms Act, 1959. Private respondents have filed affidavits in support of the settlement.

4. I have heard counsel for the parties and considered their respective submissions.

CRM-M-16960-2021

-3-

5. Petitioners, who were in a drunken state, are accused of an unprovoked attack on the complainant and his son. They not only created a ruckus, but they also caused serious injuries and damaged the property of the complainant. They have criminal antecedents and quashing of the criminal case registered against them will only encourage them further and will send a wrong signal to the society. Keeping in view the parameters laid down by the Supreme Court in *State of Madhya Pradesh Versus Laxmi Narayan (2019) 5 SCC 688*, this Court is not inclined to exercise its discretionary power to quash the criminal proceedings.

6. Finding no merit in the prayer made, petition is hereby dismissed.

7. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case and the Trial Court shall proceed to conclude the trial on the basis of the evidence adduced before it uninfluenced by any observation made herein above.

(SUVIR SEHGAL)
JUDGE

22.08.2023
Kamal

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No