

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-37367-2021

Decided on : May 12, 2023

DUSHYANT AND OTHERS

..... Petitioners

Versus

STATE OF HARYANA AND ANOTHER

..... Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

None for respondent no.2.

NAMIT KUMAR, J. (Oral)

By way of filing the instant petition under Section 482 of Cr.P.C., the petitioners have approached this Court seeking quashing of F.I.R. No.0324 dated 09.06.2021, under Sections 323, 324, 34, 506 of IPC (Sections 427 & 326 added lateron), registered at Police Station Bhiwani Sadar, District Bhiwani, and all other consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties.

On last date hearing following order was passed by this Court:

“ Report dated 24.09.2021 has been received from the Court of Additional Chief Judicial Magistrate, Bhiwani wherein it has been stated that the accused are involved in other criminal cases.

Learned State counsel has referred para 7 to 10 of the reply dated 31.01.2022 which is already on record, reads as under:-

7. That the present petitioner Dushyant Singh has also involved in six other criminal cases, the details of which are as under::

a. FIR No. 102 dated 04.12.2018, under Sections 323, 354- A(2), 354-B, 506, 34 IPC, P.S. Women Bhiwani, which is pending adjudication.

b. FIR No. 833 dated 14.11.2013, under Sections 323, 341, 506, 34 IPC, P.S. City Bhiwani, in which, the petitioner Dushyant has been acquitted of the charges vide order dated 03.01.2017.

c. FIR No. 662 dated 04.09.2020, under Sections 323, 325, 506, 34 IPC, P.S. Sadar Bhiwani, which is pending adjudication.

d. FIR No. 306 dated 23.04.2019, under Sections 323, 341, 506, 34 IPC, P.S. Sadar Bhiwani, which is pending adjudication.

e. FIR No. 490 dated 18.08.2017, under Sections 147, 148, 149, 323, 379-B, 427 IPC, P.S. Sadar Bhiwani, in which, the petitioner Dushyant has been acquitted of the charges vide order dated 16.05.2019.

f. FIR No. 773 dated 23.11.2016, under Sections 147, 148, 149, 32, 506 IPC, P.S. Sadar Bhiwani, in which, the petitioner Dushyant has been acquitted of the charges vide order dated 01.07.2017.

8. That accused/petitioner Lalit alias Dhillu has also involved in five other criminal cases, the details of which are as under: .

a. FIR No. 102 dated 04.12.2018, under Sections 323, 354- A(2), 354-B, 506, 34 IPC, P.S. Women Bhiwani, which is pending adjudication.

b. FIR No. 833 dated 14.11.2013, under Sections 323, 341, 506, 34 IPC, P.S. City Bhiwani, in which, the petitioner Dushyant has been acquitted of the charges vide order dated 03.01.2017.

c. FIR No. 662 dated 04.09.2020, under Sections 323, 325, 506, 34 IPC, P.S. Sadar Bhiwani, which is pending adjudication.

d. FIR No. 306 dated 23.04.2019, under Sections 323, 341, 506, 34 IPC, P.S. Sadar Bhiwani, which is pending adjudication.

e. FIR No. 490 dated 18.08.2017, under Sections 147, 148, 149, 323, 379-B, 427 IPC, P.S. Sadar Bhiwani, in which, the petitioner Dushyant has been acquitted of the charges vide order dated 16.05.2019.

9. That accused/petitioner Nityanand alias Neta has also

involved in five other criminal cases, the details of which are as unders

a. FIR No. 263 dated 27.08.2015, under Sections 147, 149, 323, 341, 506 IPC, P.S. City Dadri, in which, the petitioner Nityanand alias Neta has been convicted vide order dated 04.06.2018.

b. FIR No. 39 dated 05.02.2019, under Sections 147, 323, 324, 379-B, 427 IPC. P.S. Sadar Dadri, which is pending adjudication.

c. FIR No. 41 dated 11.02.2019, under Sections 147, 148, 149, 323 IPC, P.S. City Dadri, which is pending adjudication.

d. FIR No. 352 dated 10.05.2017, under Sections 25/54/59 of Arms Act, P.S. Sadar Jhajjar, in which, the petitioner Nityanand alias Neta has been acquitted of the charges vide order dated 10.02.2018.

e. FIR No. 397 dated 03.07.2021, under Sections 148, 149, 323, 427, 452, 506 IPC, P.S. Sadar Bhiwani, in which, the petitioner Nityanand alias Neta is named accused and his arrest is pending.

10. That accused/petitioner Gaurav has also involved in one another criminal case bearing FIR No. 397 dated 03.07.2021, under Sections 148, 149, 323, 427, 452, 506 IPC, P.S. Sadar Bhiwani, in which, the petitioner Gaurav is named accused and his arrest is pending.

Faced with this, learned counsel for the petitioner seeks adjournment to get instructions.

Adjourned to 12.05.2023. ”

Learned counsel for the petitioners wishes to withdraw the present petition.

Dismissed as withdrawn.

May 12, 2023

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No