

(2011) 05 P&H CK 0240

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-11338 of 2011

Vishal @ Airy and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision: May 27, 2011

Acts Referred:

- Penal Code, 1860 (IPC) - Section 148, 149, 323, 324, 326

Hon'ble Judges: Kanwaljit Singh Ahluwalia, J

Bench: Single Bench

Judgement

Kanwaljit Singh Ahluwalia, J.

By this common order Crl. Misc. No. M-11338 of 2011, filed Vishal @ Airy and four others and Crl. Misc. No. M-13731 of 2011, filed by Sandeep Kumar @ Vicky, shall be decided together.

2. Petitioners in both these petitions seek quashing of FIR No. 22 dated 14.2.2011, registered at Police Station Garhshankar, District Hoshiarpur, under Sections 323, 324, 148, 149 IPC in which Section 326 IPC was added later on along with subsequent proceedings on the basis of a compromise arrived at between the parties (Annexure P-2).

3. The present FIR was lodged on a statement made by Jaswinder Singh - Respondent No. 2. Jaswinder Singh in his statement had stated that on 6.2.2011 at about 11.30 a.m. he was going to the market for purchase of certain household articles. When he reached near the bus stand Jhugian, Vishal @ Airy armed with kirpan, Navin Sharma armed with kirpan, Rikki @ Chupa armed with datar, Vicky armed with Danda, Sachin armed with Danda, Pushwinder Kumar @ Pappi armed with Danda and two other unidentified persons, whose faces were muffled with handkerchiefs, gheraoed him and inflicted blows on him with their respective weapons.

4. Counsel for the State has stated that during investigation, names of the unidentified persons have not surfaced.
5. Shri Yogesh Saini, Counsel appearing for the complainant -Respondent No. 2, has submitted that statement of the complainant was recorded by the Judicial Magistrate First Class, Dasuya and he has verified the factum of compromise. Shri G.S. Dhillon, Sub Divisional Judicial Magistrate, Garhshankar vide his report dated 20.5.2011 has submitted that he has verified the factum of compromise and the same has indeed been arrived at between the parties. It was further stated by him that both the parties consisted of teenagers.
6. Shri Mehardeep Singh, Counsel for the State, on instructions from HC Gurinder Singh, P.S. Garhshankar, submits that taking the factum of compromise into view, a cancellation report shall be filed in the court concerned within 15 days from today.
7. Therefore, the present petitions are disposed of with a direction to the concerned area Magistrate that as and when cancellation report is submitted by the police, within one month thereafter the same shall be decided in accordance with the provisions of law.
8. Counsel for the complainant has stated that the complainant shall appear before the Court and makes a statement that he has no objection if the cancellation report is accepted and the proceedings are dropped.