

CRM-M-19555-2014
Date of Decision : 13.10.2017

Ashok KumarPetitioner

Versus

State of Punjab and othersRespondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Jaswinder Singh, Advocate
for the petitioner.

Mr. Luvinder Sofat, Asstt. Advocate General, Punjab.

Mr. Davinder Singh Khurana, Advocate
for respondents No. 3 and 4.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioner, who is an accused in F.I.R. No. 117, dated 23.05.2010, under Sections 279/337/338/427/304-A of the Indian Penal Code, registered at Police Station Sadar Khanna, District Ludhiana, (Annexure P-1), has prayed for quashing of F.I.R. with all subsequent proceedings pending in the Court of the Ld. Judicial Magistrate 1st Class, Khanna, on the basis of compromise.

Affidavits of the wife and son of the deceased are filed in compliance of the last order. Both of them are present in the Court and on Court's query submit that they have amicably compromised the matter with the petitioner and are not interested to pursue the case any further.

It has already been noted as follows, in the previous order passed on 03.10.2017:-

“Ld. Counsel for the petitioner relies upon decision of this Court in “Anil Kumar Vs. State of Punjab”, 2009 (3) R.C.R. (Criminal) 258 and that of the Delhi High Court in “Naveen Kaushik Vs. State and Others”, 2012 (9) AD (Delhi) 529, in support of the contention that pending criminal proceedings under Section 304-A of the Indian Penal Code can be quashed on compromise, if legal heirs of the victim consent to the same.”

The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Ld. Judicial Magistrate 1st Class, Khanna, vide report dated 28.07.2014, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

Respondents No.3 and 4 even otherwise are represented by their counsel.

In view of the report of the Ld. Judicial Magistrate 1st Class, Khanna, statements of Class-I legal heirs, who are present in person, and in view of the decision of the Hon'ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioner/accused person.

In the circumstances, the present petition is allowed. F.I.R.

No. 117, dated 23.05.2010, under Sections 279/337/338/427/304-A of the

Indian Penal Code, registered at Police Station Sadar Khanna, District Ludhiana, (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise *qua* the present petitioner.

(SUDIP AHLUWALIA)
JUDGE

13.10.2017

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No