

262 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 28969 of 2017
Date of Decision: 13.09.2017

Ankush Wadhwa @ Honey

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Munish Gulati, Advocate,
for the petitioner.

Mr. S.S. Cheema, A.A.G., Punjab,
for respondent No. 1.

Mr. Kamal Narula, Advocate,
for respondent No.2.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioner, who is an accused in F.I.R. No. 165, dated 18.09.2016, under Sections 324, 323, 148, 149 and 379-B of the Indian Penal Code, registered at Police Station Moga City, District Moga, (Annexure P-1), has prayed for quashing of F.I.R. with all subsequent proceedings pending in the Court of the Chief Judicial Magistrate, Moga, on the basis of compromise.

[2]. During pendency of petition, the complainant has arrived at a settlement with the accused vide Compromise Deed (Annexure P-2), which

is duly signed by him. 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 Chief Judicial Magistrate, Moga, vide report dated 04.09.2017, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. Respondent No. 2 is represented by his counsel. In this connection, it may be observed that although Section 379-B of the Indian Penal Code has been noted in the F.I.R., but the detailed narration of facts mentioned therein clearly go to indicate that the occurrence basically started with an argumentation between the complainant's son and the accused/petitioner initially, and only at later stage, culminated into violence. But clearly there is no indication of any premeditation or professional angle of robbery, etc. being applicable in the given background.

[4]. In view of the report of the Chief Judicial Magistrate, Moga, 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.

[5]. In the circumstances, the present petition is allowed. F.I.R. No. 165, dated 18.09.2016, under Sections 324, 323, 148, 149 and 379-B of the Indian Penal Code, registered at Police Station Moga City, District

Moga, (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the present petitioner.

13.09.2017

Apurva

(SUDIP AHLUWALIA)
JUDGE

- 1. Whether speaking/ reasoned : Yes/ No
- 2. Whether reportable : Yes/ No