

Punjab-Haryana High Court

Ashwani Kumar vs The State Of Punjab & Others on 23 November, 2009

CRM No. M-29644 of 2009

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IN THE HIGH COURT FOR THE STATES OF PUNJAB &
HARYANA AT CHANDIGARH.

CRM No. M-29644 of 2009 (O&M)

Date of decision: 23.10.2009

Ashwani Kumar

...Petitioner

Versus

The State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sanjeev Pandit, Advocate, for the petitioner.

Rajan Gupta, J (oral).

The petitioner has preferred the instant petition under Section 482 Cr.P.C. for quashing of FIR bearing No.14 dated 1st March, 2009, under Sections 392, 323 IPC read with Section 25/54/59 of Arms Act, registered at Police Station Balachaur, District S.B.S. Nagar, on the basis of compromise.

Learned counsel for the petitioner has argued that during the pendency of the case, a compromise has been arrived at between the parties and thus FIR deserves to be quashed I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

The FIR was lodged by Shamsher Singh, respondent No.4 herein, alleging that on the night intervening 28th February/1st March, 2009, he was on duty alongwith one Narain at Jawala Mukhi Petrol Pump, Chandigarh Road, Balachor. At about 12.45 A.M., a Tata Safari vehicle came to the petrol pump from Nawanshahar side and asked to fill up the diesel for Rs.1500/- in the aforesaid vehicle. After the diesel of the said amount was filled, the persons who were riding in the Tata Safari asked to fill the diesel tank full of the aforesaid vehicle. When complainant asked to pay first Rs.1500/-, then the accused hit him with stick on his head and robbed him of Rs.6000/-. They also took away a Nokia mobile phone (No.99140-48434), his identity card and license. Thereafter, they fled from the spot. Thus, case under Sections 323, 392 read with Section 25/54/59 of Arms Act was registered.

Keeping in view the nature of allegations levelled in the FIR, the same cannot be quashed on the basis of compromise. The petitioners are stated to be travelling in a Tata Safari car and the offence was committed at midnight at a petrol pump situated on the highway. The offence of robbery

(Section 392 IPC), committed on the highway between sunset and sunrise, is punishable with imprisonment which may extend to 14 years. I am, thus, of the considered view that the offence committed cannot be quashed on the basis of compromise. The prayer made in the petition is, thus, totally misconceived.

There is no merit in the petition. The same is hereby dismissed.

(RAJAN GUPTA) JUDGE October 23, 2009 'rajpal'