

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

CRM-M-13647 of 2014

Date of decision: September 11, 2015

Baldev Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. R.S. Sekhon, Advocate for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

**Rajan Gupta, J.**

This is a petition under Section 482 Cr.P.C. seeking quashing of FIR No.23 dated 09.03.2014, registered against the petitioner under Sections 304-A/279/427 IPC at Police Station Kot Bhai, District Muktsar in view of compromise.

An FIR was registered against the petitioner on 9.3.2014 on complaint of Shivdev Singh son of Baldev Singh. It was alleged that on 8.3.2014, he alongwith his father Baldev Singh was coming on Ford Fiesta car bearing registration No.PB-61-8388 from their relative's village to their own village. He was driving the car. At about 5.30 P.M., when they reached Bathinda Muktsar Road near village Butter Sri, the offending Jeep Mahindra bearing No.CHK-4391 crossed their car by rash and negligent manner at a high speed. When said jeep came in front of

their car, driver of the jeep suddenly applied break, as a result of which the car hit in the jeep. In that accident, his father sustained serious injuries, who later on died in the hospital.

Learned counsel for the petitioner has placed reliance on judgment reported as *Anil Kumar vs. State of Punjab and another, 2009 (3) R.C.R. (Criminal) 258* and *Gurpreet Singh vs. State of Punjab and another, 2013 (7) R.C.R. (Criminal) 1294* in support of his contention that FIR under section 304-A IPC can be quashed on the basis of compromise.

Learned State counsel has, however, vehemently opposed the plea. According to him, offence under section 304-A IPC is non-compoundable. A compromise cannot be effected on behalf of a dead person. He has relied upon judgment reported as *Varinder Kumar vs. State of Punjab & another, 2012 (4) AICLR 104*.

I find merit in the plea of learned State counsel. In view of judgment in *Varinder Kumar's* case (supra), I feel, no ground for quashing of instant FIR is made out. Relevant para of the said judgment reads as follows:-

“5. Admittedly, the offences under Sections 279 and 304-A IPC are non-compoundable. There is no scope for a Court of law permitting the compounding of such offences merely because the parties have decided to compromise the matter on behalf of a dead person. If the plea taken is accepted then the day is not far away when in a murder case complainant or eye witnesses compromising the matter with the accused will start filing petitions under Section 482 of the Code seeking quashing of the

FIR on the basis of compromise. The kin of the victim, that is, respondent No.2 has no right to compound the offences on behalf of the deceased. It is not a case where the inherent power under Section 482 of the Code should be exercised as the quashing of FIR will not prevent the abuse of process of any Court rather it will be abuse of the provision of Section 482 of the Code itself.”

In the judgment of the apex court reported as ***Gian Singh Vs. State of Punjab and Anr. 2013 (2) B.L.J. 289***, it has been held that power to quash criminal proceedings may be exercised keeping in view facts and circumstances of each case. The High Court would have due regard to nature and gravity of crime. Heinous and serious offences cannot be quashed, even though victim or victim's family may have settled the dispute with the offender. Such offences are not private in nature but have impact on society (see para 57). Similar view has been expressed in judgment reported as ***Ashok Sadarangani v. Union of India, (2012) 11 SCC 321*** (paras 25 & 27). Under the circumstances, judgment relied upon by the petitioner in *Anil Kumar* and *Gurpreet Singh's cases (supra)* cannot help the case of the petitioner. On the other hand, judgment in *Varinder Kumar's case (supra)* is fully applicable to facts of the case. The petition is, thus, without any merit and is dismissed.

(RAJAN GUPTA)  
JUDGE

September 11, 2015  
'Rajpal'

Whether to be referred to reporter? Yes / No