

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

CRM-M-13801-2014

Date of decision: August 20, 2015

Jasvir Singh

...Petitioner

Versus

State of Punjab & another

...Respondents

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

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

Mr. Shilesh Gupta, Addl. Advocate General, Punjab.

**Rajan Gupta, J.**

This is a petition under Section 482 Cr.P.C. seeking quashing of FIR No.260 dated 16.10.2008, registered against the petitioner under Sections 279/337/338/304-A/427 IPC at Police Station Sadar Khanna, Police District Khanna, District Ludhiana, on the basis of compromise.

Learned counsel for the petitioner submits that a compromise has been arrived at between the parties and dispute has been amicably settled. He has relied upon compromise (Annexure P-2). Relying upon the judgment reported as *Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Crl.) 1052*, learned counsel submits that in view of compromise, the impugned FIR deserves to be quashed.

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 have heard learned counsel for the parties and given careful thought to the facts of the case.

I find merit in the plea of learned State counsel. It appears, FIR was registered against the petitioner on 16.10.2008 on the statement of Chand Singh son of Karam Chand and one Kartar Singh had died in the said accident. Investigation ensued thereafter and accused Jasvir Singh (petitioner herein) was challaned. It is evident that respondent No.2 has no right to enter into compromise on behalf of the deceased.

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 view of aforesaid judgment and facts and circumstances of the case, petition for quashing of FIR on the basis of compromise is without any merit and is dismissed.

**(RAJAN GUPTA)**  
**JUDGE**

August 20, 2015  
'Rajpal'

Whether to be referred to reporter? Yes / No