

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CRM-M-2693 of 2014
Decided on : 29.01.2015

*Malwinder Singh**... Petitioner**Versus**State of Punjab and another**... Respondents*

CORAM : HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr.J.S.Moudgill, Advocate
for the petitioner.
Mr.Mehardeep Singh, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.166, dated 22.12.2010 (Annexure P/1) under Section 304-A, 279 IPC registered at Police Station Dirba, District Sangrur on the basis of compromise dated 24.08.2013 (Annexure P/2).

In Varinder Kumar Vs. State of Punjab and another, 2012

(4) AICLR 104, it has been held in paras No.3 and 5 as under:-

3. While commenting upon Section 320 of the Code, Hon'ble Supreme Court in **Manoj Sharma vs. State & others 2008 (4) RCR(Criminal) 827** has observed vide paragraph No.27 as under:-
“Since Section 320 Cr.P.C. has clearly stated which offences are compoundable and which are not, the High Court or even this Court would not ordinarily be justified in doing something indirectly which could not be done directly. Even otherwise, it ordinarily would not be a legitimate exercise of judicial power under Article 226 of the Constitution or under Section 482 Cr.P.C. to direct doing something which the Cr.P.C. has expressly prohibited. Section 320(9) Cr.P.C. expressly states that no offence shall be compounded except as provided by that Section. Hence, in my opinion, it

would ordinarily not be a legitimate exercise of judicial power to direct compounding of a noncompoundable offence.”

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.

Accordingly, this court is not inclined to go into the compromise at this stage.

Dismissed.

[Jitendra Chauhan]
Judge

29.01.2015
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