

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.

CRM-M-8523 of 2014

Date of decision: April 30, 2015

Sandeep Kumar @ Rinku

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. B.S. Jaswal, Advocate for the petitioner.

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

Mr. Ramesh Sharma, Advocate for respondents No.2 & 3.

**Rajan Gupta, J.**

This is a petition under Section 482 Cr.P.C. seeking quashing of FIR No.300 dated 29.12.2013, registered against the petitioner under Sections 304-A/279 IPC at Police Station Cantonment, District Amritsar.

Learned counsel for the petitioner as well as respondents No.2 and 3 submit that a compromise has been arrived at between the parties and dispute has been amicably settled. He has placed on record affidavit of respondent No.4. Same is taken on record. Relying upon the judgment reported as *Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (CrL) 1052*, learned counsel submit 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 29.12.2013 on the statement of Prem Lal complainant as he discovered a dead-body lying on the road. Investigation ensued thereafter and accused were identified. It is evident that neither informant nor respondents No.2 to 4 have any right to enter into compromise on behalf of the deceased. Prem Lal merely reported the factum of discovering of a dead-body on the road.

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**

April 30, 2015  
'Rajpal'

Whether to be referred to reporter? Yes / No