

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-28608 of 2016 (O&M)

Date of decision: 22.08.2016

Abhilove Kamara @ Shubam

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. S.K. Daaria, Advocate for
Mr. Digvijay Nagpal, Advocate for the petitioner.

Jitendra Chauhan, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of the impugned FIR No.117 dated 10.11.2013, registered under Sections 304-A, 279, 338, 337 and 427 of the Indian Penal Code (for short 'IPC'), at Police Station Arni Wala, Tehsil & District Fazilka on the basis of compromise.

The learned counsel refers to compromise dated 28.07.2016 (Annexure P-2) to contend that with the intervention of respectables, the parties have amicably settled the matter.

Heard.

In **Baldev Singh** Vs. **State of Punjab and another,**

2016 SCC Online P&H 4509, it has been held as under:-

“However, it is trite to mention that the power of the High Court under Section 482 Cr. P.C. can nevertheless be exercised in appropriate matters where it is felt that a prima facie case is not made out in consonance with the settled principles of law. There can indeed be no fetter on this power to act for securing the ends of justice or to prevent the abuse of process of law. However this observation for a moment is not to be construed as taking the possibility of a conviction being bleak due to settlement, to be a relevant factor for quashing the FIR under Section 304-A IPC. Reference is thus answered in the negative as there can be no quashing of an offence registered under Section 304-A and subsequent proceedings, solely on the basis of a compromise arrived at between the legal heirs/representatives of the victim (deceased) and the accused.”

This Court feels that there cannot be a compromise on behalf of the dead person as the offence, in the cases, where the element of negligence is noticed would fall in the category of offence against society. Accordingly, no case for quashing the FIR is made out.

Dismissed.

22.08.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No