

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-29568-2015

Date of Decision: February 24, 2016

Rashpal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Bir Davinder Singh, Advocate,
for the petitioner.

Mr. P.S. Paul, DAG, Punjab,
for respondent No. 1.

Mr. P.S. Mehrook, Advocate,
for Mr. Bhupinder Singh, Advocate,
for respondent Nos. 2, 3 and 6.

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| 1. | <i>Whether Reporters of local papers may be allowed to see the judgment?</i> | YES |
| 2. | <i>To be referred to the Reporters or not?</i> | YES |
| 3. | <i>Whether the judgment should be reported in the Digest?</i> | YES |

NARESH KUMAR SANGHI, J. (Oral):

1. Present petition, filed under Section 482, Cr.P.C., is for quashing of FIR No. 94, dated 10.11.2012 (Annexure P-1), for the offences punishable under Sections 304-A and 427, IPC, registered at Police Station, Bajakhana, District Faridkot, and all the consequential proceedings arising therefrom on the basis of compromise and affidavits (Annexures P-2 to P-5).

2. Notice of motion of the above petition was issued and in pursuance thereof learned counsel for the respondents have appeared.

3. Learned counsel for the petitioner submits that in view of the compromise and affidavits (Annexures P-2 to P-5), the impugned FIR and all the consequential proceedings emanating therefrom be quashed. In support of his contention, learned counsel has placed reliance on un-reported judgments passed by Coordinate Benches of this Court in the matters of **Vinay Kumar v. State of Punjab and others** (CRM-M-26579-2012, decided on 10.2.2016); **Sharanjit Singh @ Sunny v. State of Punjab and others** (CRM-M-6920-2013, decided on 17.5.2013); **Jassmine Kaur @ Jasmine Kaur v. State of Punjab and others** (CRM-M-751-2013, decided on 16.8.2013); Single Bench judgments of Delhi High Court in the matters of **Radha @ Siltha Yadav and other v. State and others**, 2013 (2) JCC 1098; **Vishal Arora v. State and others**, 2014 (4) JCC 2867; and a Single Bench judgment of Telangana and Andhra Pradesh High Court in the matter of **Moghal Shaik Shavali v. P. Rama Krishna Rao and another** (2015 (1) Andh LD (Criminal) 703.

4. On the other hand, learned counsel for the State submits that a person has died and the offence punishable under

Section 304-A, IPC, was added in the First Information Report. He further submits that after completion of the investigation, the charge-sheet (report under Section 173, Cr.P.C.) was presented and even the charges were framed. He further points out that out of ten, the prosecution has already examined six witnesses and the prosecution case is near completion. He prayed that the criminal proceedings of the present case be not terminated at this stage.

5. Learned proxy counsel for respondent Nos. 2, 3 and 6 submits that he has not prepared the case and has no instructions to argue the same.

6. I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

7. In the matter of **Kulvir Singh v. State of Punjab and others** (CRM-M-22257-2014, decided on 2.12.2015), a co-ordinate Bench of this Court while relying upon **Varinder Kumar v. State of Punjab and another**, 2012 (4) AICLR 104, and also discussing **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, dismissed the petition for quashing of the FIR for the offence punishable under Section 304-A, IPC, on the basis of compromise. In

Varinder Kumar's case (supra), it has been held as under:-

“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.”

8. Similar view was taken by this Court in the matters of **Dharampal @ Dharma and others v. State of Punjab and another** (CRM-M-37641-2015, decided on 3.11.2015) and **Jasvir Singh @ Nikka v. State of Punjab and others** (CRM-M-35693-2015, decided on 27.1.2016).

9. In the present case, after completion of the investigation, the charge-sheet (report under Section 173,

Cr.P.C.) was presented and even the charges were framed. The prosecution has already examined six witnesses.

10. There is no doubt that in the judgments cited by learned counsel for the petitioner different High Courts have taken the view to quash the proceedings, but in view of the judgments cited in para nos. 7 and 8 above, no ground for quashing of the impugned FIR and consequential proceedings emanating therefrom, is made out.

11. Dismissed.

(NARESH KUMAR SANGHI)
JUDGE

February 24, 2016
Pkapoor