

CRM-M-35870-2016

Date of Decision : 06.10.2016

Manphool

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. P.K. Ganga, Advocate
for the petitioner.Mr. Harmandeep Gill, Advocate
for respondents No. 2 to 4.**M.M.S. BEDI, JUDGE (ORAL)**

This is a petition for quashing of FIR No. 99 dated 28.08.2012 registered at Police Station Nathu Sarai Chopta, District Sirsa in a case under Section 304 A IPC, on the basis of compromise.

On asking of the Court, it has been informed that the eye witness has already been examined and an application under Section 311 Cr.P.C having been moved for re-calling of the witness for re-examination has been dismissed by the trial Court.

Learned counsel for the private respondents has put in appearance and admitted that the matter has been compromised.

I have considered the facts and circumstances of the case. Quashing of FIR on the basis of compromise, in a case under Section 304 A IPC, is not permissible as per the ratio of judgment dated 02.06.2016 of Division Bench of this Court passed in CRM-M-40769-2014 *Baldev Singh versus State of Punjab and another*.

This petition is disposed of with a direction that in case, an

application is filed by the petitioner for proving the compromise Annexure P-2 before the trial Court, the same would be permitted to be taken on record. Though the offence under Section 304 A IPC is not compoundable but the compromise may be taken into consideration by the trial Court for granting any relief, on the basis of benefit of doubt or consider the compromise as a mitigating circumstance while considering the matter in the light of Section 360 Cr.P.C. or any other relief as deemed fit in the circumstances of the case.

(M.M.S. BEDI)
JUDGE

06.10.2016
Neha

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No