

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.34676 of 2016
and
Criminal Misc. No.M-5355 of 2016

.....

Date of decision:18.11.2016

Parminder Singh, J.E.

...Petitioner

v.

State of Punjab and another

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Manjot Singh Tiwana, Advocate for the petitioner.

Mr. Deepak Garg, Assistant Advocate General, Punjab for
the respondent-State.

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Inderjit Singh, J.

Cr. Misc. No.34676 of 2016:

This is second application filed under Section 482 Cr.P.C. for
preponing the date of hearing in the main case.

Notice of motion of the application.

Mr. Deepak Garg, learned Assistant Advocate General, Punjab
has put in appearance on behalf of the respondent-State. Copy supplied to
him.

Heard learned counsel for the parties. For the reasons
mentioned in the application, the same is allowed and the date of hearing in
the main case is preponed from 13.1.2017 for today.

Cr. Misc. No.M-5355 of 2016:

This petition has been filed under Section 482 Cr.P.C. praying

[2]

for the quashing of FIR No.56 dated 30.6.2015 (Annexure-P.1) registered for the offence under Section 304 IPC at Police Station Cantt. Bathinda, District Bathinda and all subsequent proceedings arising therefrom on the basis of compromise/affidavit (Annexure-P2).

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned counsel for the petitioner argued that in this case the offence under Section 304-A IPC is made out and not under Section 304 IPC. As this is a petition for quashing of the FIR on the basis of compromise, even then it cannot be quashed on the basis of compromise keeping in view the nature and gravity of the offence in this FIR i.e. under Section 304 IPC as challan has not been presented so far. Even if it is taken that this case is under Section 304-A IPC, even then in view of the law laid down in judgment passed by a Division Bench of this Court in Baldev Singh v. State of Punjab and another, Criminal Misc. No.M-40769 of 2014, decided on 2.6.2016, in which it has been held that there can be no quashing of offence under Section 304-A IPC and subsequent proceedings solely on the basis of compromise arrived at between legal heirs/representatives of the victim (deceased) and the accused, I find no merit in this petition and the same is dismissed.

November 18, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No