

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

CRM-M-16292-2017 (O&M)

Date of decision : 10.05.2017

Beeta Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. H.S. Batth, Advocate
for the petitioner(s).

JITENDRA CHAUHAN, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.57 dated 29.04.2015, registered under Sections 304-A, 279, 427 and 437 IPC, at Police Station Bhikhwind, Distt. Tarn Taran, and all consequential proceedings arising therefrom, on the basis of compromise arrived at between the parties.

The learned counsel refers to compromise (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, at this stage.

Dismissed.

10.05.2017

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No