

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

CRM-M-40987-2017

Date of decision : 01.12.2017

Mandeep Kumar @ Deepu and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajiv Joshi, 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 FIR No.0039 dated 21.05.2017, registered under Section 306 of the Indian Penal Code (for short 'the IPC'), at Police Station Mukandpur, SBS Nagar and all consequential proceedings arising therefrom, on the basis of compromise arrived at between the parties.

It is asserted that the statement made by the deceased on the basis of which the present FIR came to be registered, was a result of the pressure and influence exerted by respondent No.2, the husband of the deceased, which finds mention in the compromise (Annexure P-2) as well. The parties being immediate neighbours, have entered into compromise.

Heard.

In *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur
and others Vs. State of Gujarat and another (Supreme Court) (Criminal
Appeal No.1723 of 2017)*, decided on 04.10.2017, Hon'ble the Supreme

Court has held as under:-

“15(vi). In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

It is a settled principle of law that no one has right to compromise a matter on behalf of a dead person. This Court in ***Baldev Singh Vs. State of Punjab, 2016(3) Law Herald 2020***, has held as under:-

“15. The offence under Section 304-A IPC presents a situation where the victim has lost his life in an accident. The legal representatives of the deceased may enter into a compromise with the accused for considerations best known to them, but to say that an offence under Section 304-A is private in nature is wholly incorrect. It is an offence which impacts society as a whole with its ripples casting their net far and wide, permeating to the very core.”

In the instant case, the deceased suffered statement before learned JMIC(D), Jalandhar, indicting the accused-petitioners. The question whether her statement was a tutored version, shall be gone into by the trial Court, at appropriate stage. At this stage, this Court is not inclined to go into the merits of the assertions raised by learned counsel for the petitioner

as they relate to the factual aspect of the matter.

In view of the above, finding no ground to quash the FIR and subsequent proceedings flowing therefrom, the instant petition is hereby dismissed.

However, nothing observed hereinabove shall be construed as an expression of opinion on the merits of the case.

01.12.2017
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(JITENDRA CHAUHAN)
JUDGE

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