

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

Sr. No.116

CRM-M-49094 of 2019

DECIDED ON: January 29, 2019

JANGSHER SINGH

..PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Kamal Sehgal, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks quashing of FIR No.139, dated 11.07.2012, registered at Police Station Ladwa, District Kurukshetra, under Sections 279, 338, 304-A IPC (P-1) on the basis of compromise dated 16.10.2018 (P-4).

An accident took place on 10.07.2012 in which Ajit Singh @ Sonu died. The accident allegedly took place with the bus being driven by the petitioner and consequently, the aforementioned FIR was registered. The petitioner was convicted vide judgment dated 02.02.2018 passed by Judicial Magistrate 1st Class, Kurukshetra (P-2) and his appeal is pending. Meanwhile, a compromise dated 16.10.2018 (P-4) has been reached between the parties and thus, the present petition has been filed for quashing of the FIR and all consequent proceeding.

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Learned counsel for the petitioner has placed reliance upon a Division Bench judgment of this Court in *Sube Singh & anr. vs. State of Haryana & anr., 2013 (4) R.C.R. (Criminal) 102*; a Division Bench judgment of Bombay High Court in *Kiran Tulshiram Ingale vs. Anupama P. Gaikwad & ors., 2007 (2) R.C.R. (Criminal) 842* and a judgment of Supreme Court in *Gian Singh vs. State of Punjab & ors., Manu/SC/0781/2012*, to contend that powers of the High Court under Section 482 Cr.P.C. are very wide and can be invoked for quashing of criminal proceedings even post conviction. Based on this proposition, it is argued that even though a Division Bench judgment of this Court in *Baldev Singh vs. State of Punjab & anr., CRM-M-40769 of 2014*, decided on 02.06.2016 has held that in a case under Section 304-A IPC there can be no quashing on the basis of a compromise, in view of the observations in the last para of the said judgment that “*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.*”, the proceedings be quashed.

The judgment in *Baldev Singh's case (supra)* is only regarding whether an FIR under Section 304-A IPC can be quashed on the basis of a compromise. It is not on the issue whether criminal prosecution can be quashed post conviction and that is not the question in this case. Therefore, the judgments in *Sube Singh' case (supra)*, *Kiran Tulshiram Ingale's case (supra)* and *Gian Singh's case (supra)*, are not relevant. Regarding the observation afore quoted in *Baldev Singh's case (supra)*, the meaning thereof is that in a particular case if the FIR is so frivolous so as to amount

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to a patent an abuse of the process of law even on a bare reading of the contents of the FIR, the power of the High Court under Section 482 Cr.P.C. would not be curtailed despite the Division Bench judgment.

Thus, I am unable to accept the contentions of learned counsel for the petitioner, the present petition is accordingly dismissed.

January 29, 2019
Ankur

(SUDHIR MITTAL)
JUDGE

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