

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29581-2019

Date of Decision: 17.07.2019

Kulvir Singh

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rajiv Joshi, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner seeks quashing of FIR No. 0268 dated 10.12.2017, registered at Police Station Goraya, District Jalandhar (Rural), for the alleged commission of offences punishable under Sections 279/427/304-A IPC.

The quashing of the FIR is sought on the basis of a compromise stated to have been arrived at between the petitioner and the complainant in the FIR, i.e. the brother of the person who unfortunately died in the accident in question, a copy of the said compromise deed having been annexed as Annexure P-2 with the petition.

Whereas otherwise there may have been no reason to not allow the petition after recording the statements of the petitioner and the complainant, however, vide a judgment of a Division Bench of this Court in **Baldev Singh** vs. **State of Punjab and another** 2016 (3) Law Herald 2020, it has been specifically held that simply because the next of kin/the legal heir of the deceased enters into a compromise with the accused/convict, an FIR alleging therein the commission of

an offence punishable under Section 304-A IPC should not be quashed, it not being “a private matter” but an offence against society (even though there is no intention to cause the death of the person).

That being so and the judgment of the Division Bench having been passed on a reference made to it on the issue of whether a crime registered under Section 304-A IPC can be quashed on the basis of a compromise arrived at between the offender and the legal heir/representative of the victim/deceased, obviously, this Bench is bound by the ratio of that judgment.

Consequently, with the petitioner still being tried before the trial Court, this petition is dismissed, but with no observation made hereinabove to be taken to be on the merits of the case for or against the petitioner, which naturally would be gone into by the trial Court wholly on the basis of the evidence led before it by both sides.

It is to be noticed that learned counsel for the petitioner has referred to a judgment of the Supreme Court in Puttaswamy vs. State of Karnataka and another 2009 (1) RCR (Criminal) 501, to submit that their Lordships had in that case (and various other cases) reduced the sentence of the convict; similarly convicted.

However, that was a case where the accused had already been convicted and sentenced to imprisonment, whereas the petitioner herein is still facing trial. Hence, no parity can be drawn between the two situations.

July 17, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes