

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

CRM-M No.7983 of 2021

Date of Decision: December 09, 2021

Anshuman Ubveja @ Sunny

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Kamal Narula, Advocate for the petitioner.

Amol Rattan Singh, J. (Oral)

This petition has been filed seeking quashing, on the basis of a compromise arrived at between the petitioner and respondents no.2 to 4, of FIR No.16, dated 26.02.2017 (as also all other subsequent proceedings arising therefrom), registered at Police Station Sadar Fazilka, District Fazilka, for the alleged commission of offences punishable under Sections 279, 337, 338, 427 of the IPC, with Section 304-A of the IPC added subsequently in the FIR. A copy of the compromise deed has been annexed as Annexure P-4 with the petition.

Learned counsel for the petitioner submits that in view of the judgment of the Division Bench of this court in ***“Baldev Singh vs. State of Punjab and another”***, 2016(3) Law Herald 2020, he does not press this petition but seeks a similar direction as was issued by this court in CRM-M No.15210-2017, decided on 18.07.2019.

The said direction reads as follows: -

“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, in the face of the bar contained in the ratio of the said judgment, this petition cannot be allowed and is therefore dismissed.

However, with an appeal stated to be pending against the judgment of the trial court, filed by the present petitioner, the factum of a compromise having been reached would be considered by the learned appellate court (if eventually it is not acquitting the petitioner), for the purpose of reduction of the quantum of sentence imposed by the trial court.

The interim order staying proceedings before the appellate court is hereby vacated.”

That being so, this petition is dismissed, but with the direction issued in that case (arising out of a different FIR also alleging therein the commission of an offence punishable under Section 304-A of the IPC), reiterated to the appellate court in the present case.

December 09, 2021

sarita

**(AMOL RATTAN SINGH)
JUDGE**

Whether reasoned/speaking: Yes

Whether reportable: Yes