

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-987-2022
Reserved on : 07.02.2022
Pronounced on: March 17, 2022

Gurbachan SinghPetitioner(s)

Vs.

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ruhani Chadha, Advocate for the petitioner(s).

Mr. H.S. Sitta, AAG, Punjab.

Mr. Ankur Bansal, Advocate for the complainant.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
96	24.07.2021	Division No.1, District Jalandhar	279, 304 A & 427 IPC

The petitioner(s), arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the victim(s).

2. The gist of the allegations against the petitioner(s) is that the complainant (respondent No.2) made a statement before the police and based on such statement, the police registered the FIR captioned above. Needless to mention all the details and it is sufficient to say that the parties have entered into a compromise.

3. During the pendency of the petition, the accused and the injured have compromised the matter, and its copy is annexed with this petition as Annexure P-2. After that, the petitioner(s) came up before this Court to quash the FIR, and in the quashing petition, the injured have been impleaded as respondent(s).

ANALYSIS & REASONING:

4. The relevant portions of the FIR (Annexure P-1) read as follows:

“Stated that I am resident of above noted address and is household woman. My husband Rajesh Kumar is plying auto rickshaw. On 23.07.2021 at about 7 AM my husband Rajesh Kumar went from the house on his auto rickshaw no. PB 08 EK

7731 on his work to the city. He used to return back to the house daily at 7 P.M but on 23.07 2021 he did not return home on time and I called on his telephone but same could not connect. On this at about 7:30 PM to see my husband I went on the main highway of Jalandhar-Amritsar from Indira Colony and was waiting for my husband to come on the service road. After some time, from the verka milk plant side my husband Rajesh Kumar came on his auto rickshaw and when he reached near turning of Indira colony, from Lidhran side a white color fortuner car bearing no. DL 14 CA 0790 driven by a clean shaved man and he without giving any horn and in high speed hit the car into the auto rickshaw of my husband due to which my husband suffered injuries on his stomach, neck and on other body parts and severe damage to auto rickshaw also done. On hearing the shrieks lot of people gathered at the spot and I with the help of family members and mohalla people by arranging the vehicle got my husband admitted in Arman Hospital for treatment near Football chowk, Jalandhar where after some my husband succumbed to the injuries. My husband had died on account of driver of car no. DL 14 CA 0790 whose name was later on disclosed as Gurbachan Singh years son of Harbans Singh resident of H.no. 396 Guru Amar Dass Nagar, District Jalandhar who was driving the vehicle at high speed and without giving any horn and hit into the auto rickshaw of my husband. Necessary action be taken against him.”

5. The parties compromised the matter vide compromise deed dated 30-12-2021 (Annexure P-2). Paragraphs 2 & 3 of the compromise are in the following terms:

“2. That with the intervention of the respectable of the society, the matter between the parties has been settled and all the grouse and grudge of the 1st party has been settled and they are left with no grudge against the 2nd party and as such they have decided not to pursue the said FIR against the accused.

3. That on humanitarian ground and as responsibility towards the family of the deceased, 2nd party has undertook to bear the expenses of the minor children by providing them basic amenities of life life food, medicines, etc. as and when required by the 1st party. 2nd party has also undertaken to employ Sadhna as domestic help in his house to help the family in the hour of need.”

JUDICIAL PRECEDENTS ON QUASHING UNDER SECTION 306 IPC:

6. In Nallari Sudha Rani vs. The State of Telangana and others in SLP (Crl.) Nos.2967-2968 of 2019, the Supreme Court holds as under:-

...“After hearing learned counsel for the parties, we are the considered opinion that the High Court has of committed a manifest error in allowing the application filed by the private parties and thereby permitting them to compound the offence in question. The private respondent Nos. 2 to 4 had been named as accused in connection with offence punishable under Section 306 of Indian Penal Code. We fail to understand as to how the High Court could have permitted the private parties to compound the said offence, which is a non-compoundable offence.

We are appalled to notice that even the public prosecutor appearing for the State before the High Court, did not oppose that prayer. We say no more.

Accordingly, we set aside the impugned order and direct that criminal petition No. 12089 of 2018 stands restored to the file of the High Court to its original number for being proceeded afresh on its own merits and in accordance with law."

7. The contents of compromise deed and its objectives point towards its rejection, in the light of the Judicial precedents mentioned above.
8. Although this court has rejected the compromise; however, the fact remains that the interested parties had compromised the matter. As such, this court requests Id. trial court to expedite the trial. Parties to bring this request to the notice of the concerned Magistrate.

Petition dismissed in the terms mentioned above. All pending applications, if any stand disposed.

(ANOOP CHITKARA)
JUDGE

March 17, 2022
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Whether speaking/reasoned: Yes
Whether reportable: **No.**