

CRM-M-2616-2022
Reserved on : 03.02.2022
Pronounced on: March 17, 2022

Dharma Singh @ Dharam Singh.....Petitioner(s)

Vs.

State of Punjab and another.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Puneet Sharma, Advocate
for the petitioner(s).

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

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
0009	16.02.2016	Cheema, District Sangrur	304A, 279, 337, 338 & 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 complainant/victim’s relatives 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), reads as follows:

“I am resident of above mentioned address and I am a Laborer. That yesterday on 15.02.2016 at about 6:30/7 pm, I was standing at bus stand

Amru Kotra, meanwhile my father on his scooty number PB-44A-9973 color red along with one of my village person namely Shamsher Singh son of Mahendar Singh caste Jatt was coming from Cheema towards village. That my father was driving the scooty, when my father turned the scooty towards my village, then in front of me, one Mahindra Pick up Bolero no. PB-31P-1566 color white came from Sunam side at a very high speed, whose driver very rashly and negligently by driving the Mahindra Pick up Bolero at a very high speed and without giving horn or signal, hit my father's scooty and dragged both of them along with scooty for about 15-20 gaj. That persons standing at bus stand after hearing the noise of accident, took my injured father and injured Shamsher Singh by arranging vehicle and admitted them to Civil Hospital, Sunam for treatment where doctors referred them due to their serious condition. That later on I came to know that one Dharma Singh son of Mata Singh caste ramdasiya resident of Burj Dhillwan was driving the Mahindra Pick up Bolero no. PB-31P-1566 color white who ran away from the spot by leaving the vehicle there and today I came to know that my father has died at PGI, Chandigarh. That this accident has been caused by Dharma Singh by driving his Mahindra Pick up Bolero no. PB-31P-1566 color white at very high speed in a rash and negligent manner without giving horn or signal and hitting by father's scooty. I have given my statement, same is correct. Action may kindly be taken."

5. The parties compromised the matter vide Panchayati compromise deed dated 30-11-2021 (Annexure P-2). The relevant portions of the compromise are in the following terms:

"That now with the intervention of the Panchayat and the respectable, both the parties have entered into compromise. That the first party has no objection if the above said FIR gets cancelled. That the First party Darshan Singh do not want to pursue any action against the second party Dharma Singh @ Dharam Singh."

6. In Nallari Sudha Rani v. 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 closed.

(ANOOP CHITKARA)
JUDGE

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