

**N THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M No.8677 of 2019
Date of Decision: 25.08.2022**

Jasbir Singh @ Bittu

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Tarun Sharma, Advocate for
Mr. Jatinder Pal Singh Smagh, Advocate
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab
for respondent No.1-State.

None for respondent No.2.

* * * * *

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant petition, the petitioner has invoked the jurisdiction of this Court under Section 482 Cr.P.C for seeking the quashing of the FIR bearing No.19 dated 29.02.2016 registered at Police Station Kanwan, District Pathankot, under Sections 304-A, 279 & 427 IPC as well as the subsequent proceedings arising therefrom, while averring that the parties have arrived at a compromise (Annexure P-2) qua their dispute leading to the registration of the said FIR.

2. Shorn and short of unnecessary details, the allegations, as levelled by respondent No.2-informant in the subject FIR, are that the petitioner had driven the Truck bearing registration No. PB-05-AB-9085 on the public road in a rash and negligent manner and had, thereby, caused the

accident resulting into the injuries on the person of his son named Vinay Sharma, which proved fatal for him.

3. Learned counsel appearing for the petitioner has submitted two receipts regarding the deposit of the amount of Rs.10,000/- in the Poor Patients' Welfare Fund of the Post Graduate Institute of Medical Education and Research, Chandigarh and of another sum of Rs.10,000/- with the Welfare Centre for Persons with Speech and Hearing Impairment, in compliance of the order dated 04.03.2020 passed by the Co-ordinate Bench in this petition and the same are taken on the record.

4. Vide the order dated 26.02.2019 passed by the Co-ordinate Bench, the parties were directed to appear before the trial Court for recording their statements qua the compromise as stated to have been arrived at between them.

5. Though the concerned Court below has submitted its report in compliance of the said order dated 26.02.2019 but it is worth-while to mention here that the Division Bench of this Court has categorically observed in **Baldev Singh vs. State of Punjab & Anr., 2016(3) Law Herald 2020** that *"there can be no quashing for an offence registered under Section 304A IPC and the subsequent proceedings, solely on the basis of a compromise arrived at between the legal heirs/representatives of the victim (deceased) and the accused and in such a case, the victim is obviously not present to settle the matter and to permit a legal representative or legal heir to compromise or settle the matter is indeed an invitation to a dangerous trend and cannot be permitted"*. These

observations are fully applicable to the present case and in view of the same, it becomes explicit that the said FIR cannot be quashed despite the said compromise as claimed to have been arrived at between the petitioner and respondent No.2-informant.

6. As a sequel to the fore-going discussion, it follows that the present petition deserves dismissal. Resultantly, the same stands dismissed accordingly.

25.08.2022
neetu

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*