

CRM-M-12918-2022
Reserved on : 28.03.2022
Pronounced on: 30.03.2022

Harpreet GoyalPetitioner(s)

Vs.

State of Punjab and othersRespondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Sharma, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. D.S. Sidhu, Advocate for respondents No.2 & 3.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
028	03.03.2018	Amargarh, District Malerkotla	279, 304A & 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 petitioner was arraigned as an accused for the offences captioned above. He was prosecuted and convicted. The appeal against the conviction was also dismissed by the Sessions Court. After that the legal heirs of the deceased-respondents No.2 & 3 have compromised the matter with the convict/petitioner, vide an out of court compromise deed, which has been annexed with the petition as Annexure P-5.
4. Ld. counsel appearing for the private respondents states on instructions that they have no objection if the FIR, and conviction is setaside.
5. The State’s counsel has severely opposed this compromise and seeks dismissal of the petition because of the heinous nature of the offence.
6. In Nallari Sudha Rani v. The State of Telanganaand 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, the factum of compromise might be a factor for reduction or remission of sentence. However, it is for the concerned court or the competent authorities to decide the same, and this court is not giving any finding on it.

Petition dismissed. All pending applications, if any stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.03.2022
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Whether speaking/reasoned: Yes
Whether reportable: No.