

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

296

CRM-M-11193-2020

Date of Decision: 16.11.2022

Rajbir Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. G.K. Mann, Sr. Advocate with
Mr. Gursewak Singh, Advocate and
Mr. Sunil Kumar, Advocate for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab.

Mr. Anmol Jeevan Singh, Advocate
for respondents No.2 to 7.

ANOOP CHITKARA, J.

Learned senior counsel appearing for the petitioner submits that the appeal against the conviction is pending before the Sessions Court and during the pendency of appeal the matter was compromised and has also prayed for quashing of FIR, judgment of conviction and all subsequent proceedings arising therefrom. However, counsel for the State has opposed the petition on the grounds that the present FIR has been filed under Section 304-A IPC and it relates to motor vehicle accident, which cannot be compromised.

Confronted with this, senior counsel submits that she would be contented and satisfied in case, observation is made that if the Appellate Court proposes to dismiss the appeal, then at that stage the petitioner be heard on the reduction of sentence keeping in view the fact of compromise. It is further prayed that at that time if the legal representatives of the deceased also want to put-forth, they may also be heard. She further prayed that petitioner may be permitted to place on record the statements recorded by Magistrate and compromise before the Appellate Court by filing an application under Section 391 CrPC.

Given the entirety of the facts and circumstances, the petition is

disposed of with the liberty that if the parties i.e. complainant, put forth for hearing, they be permitted, petitioner to allow to place on record copy of statements qua compromise recorded by the Magistrate and in case of dismissal of appeal, consider the fact of compromise with the family of deceased while sentencing him. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

16.11.2022
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Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no