

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

112 CRM-M No.11721 of 2020
Date of decision:27.09.2022

Karam SinghPetitioner(s)

Vs.

Union Territory, ChandigarhRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Charanpal Singh Bagri, Advocate for the petitioner

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
342	20.11.2010	Manimajra, Chandigarh	279, 337, 304-A IPC, Section 3 and 181 of Motor Vehicle Act, 1988

The petitioner, 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 aggrieved person.

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

ANALYSIS & REASONING:

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

“Brief facts of the case are that on 20.11.2010, a wireless message was received from control room that an accident has taken place at Kalagram light point and some police officials be sent there. On receiving this information, SI Jaiveer Singh along with other police officials reached at the spot where complainant Rahul son of Satinder Malhotra, resident of House No.1540, Sector 23-D, Chandigarh, met him and got recorded his statement that he is residing at the above said address and on that day at about 1:30 PM he was going on his motorcycle from Panchkula to his house from Kalagram light point and when going through said light point, one person was going on his scooter bearing no. PB-65-B-2947 and one CTU bus bearing no. CH-01-G1-5221 being driven in a rash & negligent manner came from his left side and hit the said scooterist due to which he fell on the road along with scooter and said bus crushed the said scooterist. The said accident has taken place due to rash and

negligent driving of the said offending bus bearing no. CH-01-G1-5221 by its driver namely Karam Singh.

5. The parties compromised the matter vide compromise deed dated 30.08.2019 Annexure P-2. The relevant portion is as under:-

“That during the recording of evidence before trial court, the complainant Le. first party Rahul Malhotra has disclosed in his testimony that he cannot identify the accused i.e. Karam Singh second party and registration number of bus which caused the accident and as such Rahul Malhotra declared hostile before the trial court.

That it is do hereby again clarified by Rahul Malhotra complainant first party that he had neither seen the second party Karam Singh nor bus in question at the spot but the police had obtained his signature on blank papers to lodge the FIR in question. Rather the local police itself named the second party as accused on suspicion and bus driven by him”

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.

Trial be expedited.

(ANOOP CHITKARA)
JUDGE

27.09.2022
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Whether speaking/reasoned: Yes
Whether reportable: No.