

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15394-2022
Date of decision:-05.05.2022

Beant SinghPetitioner(s)

Vs.

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ramandeep, Advocate for the petitioner.

Mr. H.S. Multani, AAG, Punjab.

Mr. Gurcharan Singh Bains, Advocate for respondents No.2 to 5.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
129	18.07.2019	Sadar Nabha, Distt. Patiala, Punjab	279, 427, 304-A IPC

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 trial, the accused and the legal heir of the deceased 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 State’s counsel has severely opposed this compromise by contending that the matter under Section 304-A cannot be compromised and seeks dismissal of the petition because of the heinous nature of the offence.
5. 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.”

6. The contents of compromise deed and its objectives point towards its rejection, in the light of the Judicial precedents mentioned above.
7. 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

05.05.2022
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Whether speaking/reasoned: Yes
Whether reportable: **No.**