

CRM-M-45527-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45527-2022

Date of decision: 27.10.2022

Satgur Singh

...Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Jatinder Singh Mundi, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

This petition has been filed for quashing of FIR No.131 dated 14.12.2021, under Sections 304-A, 279 and 427 IPC, registered at Police Station Moonak, District Sangrur, and all the subsequent proceedings arising therefrom, on the basis of compromise dated 25.04.2022 (Annexure P-2), arrived at between the parties.

Learned counsel for the petitioner contends that the parties have amicably settled the dispute and the according to the compromise, respondent No.2 does not have any objection, if the impugned FIR is quashed.

I have heard the learned counsel for the petitioner.

Indisputably, the offence under Section 304-A IPC is non-compoundable. That being so, the impugned FIR, on the basis of compromise, cannot be quashed.

A Division Bench of this Court while deciding CRM No.M-

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40769 of 2014 titled as 'Baldev Singh Vs. State of Punjab and another', decided on 02.06.2016, after considering the settled law on the aspect has held that an FIR under Section 304-A IPC being non-compoundable, cannot be quashed even on the basis of the compromise. The relevant paragraphs of the said judgment are as under:-

“18. In the facts and circumstances of the case it would indeed be paradoxical and incorrect to hold that the offence under Section 304-A is private in nature. Its serious impact on society is not subject to understatement. When a person or persons lose their life/lives due to the rash and negligent act of the accused, the question of mens rea or intention in such a situation pales into insignificance. The wrong cannot be termed to be private or personal in nature like offences arising out of matrimony, relating to dowry etc., family disputes or criminal cases having overwhelmingly and predominantly a civil flavour like commercial, financial, mercantile, civil or partnership matters.

19. Another argument addressed vehemently in favour of the proposition is that the legal heirs get adequate compensation in a given situation and a quietus is afforded to needless litigation, as many a times criminal proceedings are initiated solely with a view to seek compensation. There is a basic flaw in this argument which compels us to reject it. To presume that a human life can be allowed to be shattered away due to the rash and negligent act, may be a mindless act or of false bravado or brazenness and thereafter permit its compounding/settlement on the basis of 'just monetary compensation' or any other consideration amounts to nothing but a complete mockery of justice, totally offensive to civilized thought. The question of compensation under the Motor Vehicles Act is a totally separate issue. There can be no question of bartering of a human life in this manner. While

being fully conscious of the ground realities of our society where the victim's family may be in penury and may be beguiled into a compromise due to the harsh realities of life, a stamp of approval over such an activity cannot be afforded by the court.

20. *To say that Courts should not hesitate to intervene in favour of the accused in such cases is indeed a dangerous proposition with a potential to provide an impetus to a proclivity on the part of the drivers to continue with their rash and negligent act buoyed by the thought that they would get away with the crime by affording sufficient compensation to the victim's legal representatives. Once it has been authoritatively held by the Supreme Court that even grant of compensation under Section 357 (3) Cr. P.C. is not to be regarded as a mitigating circumstance to reduce the sentence imposed and neither can it be a substitute for an adequate sentence in all cases, it cannot be held that in cases where the matter is settled with the legal heirs of the deceased by giving adequate compensation, the proceedings should be quashed.*

21. *Likewise, to draw an analogy that in cases involving the offence under Section 307 which are of heinous nature, it has been opined by the courts that the factum of a settlement or compromise between the parties can be a guiding factor, is not justified. In the case under Section 304-A the victim is obviously not present to settle the matter. 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. To quash the proceedings under Section 304-A solely on the basis of a settlement or compromise arrived at between the accused and the legal representatives is not permissible and militates against all canons of justice. Inclusion of the legal representatives in the definition of victim does not clothe him/them to enter into such a settlement, though the legal representative,*

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undoubtedly has the authority to file an appeal or receive compensation.”

Learned counsel for the petitioner has not been able to rebut the said proposition of law. That being so, the prayer of the petitioner in the present petition, cannot be accepted in view of the settled principle of law. The present petition is accordingly dismissed.

It is made clear that this Court is not observing anything on the merits of the case while passing the present order.

27.10.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No