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

CRM-M-41599-2019
Date of decision : 16.08.2022

Shiva

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.185 dated 18.12.2017 registered under Sections 279/337/338 of the Indian Penal Code, 1860 (Section 304-A of IPC has been added later on and Sections 337/338 of IPC have been deleted later on) at Police Station Kamboj, District Amritsar Rural and all the subsequent proceedings arising therefrom on the basis of compromise.

A Division Bench of this Court in **Baldev Singh Vs. State of Punjab and another**, reported as **2016(3) Law Herald 2020**, had held as under:-

“xxx xxx

3. *The exercise of plenary power to quash proceedings under Section 482 Cr.P.C. is not in doubt but the question for consideration is whether settlement/compromise arrived at between the accused and the legal heirs/representatives of the person who has lost his life in the unfortunate accident by itself can form the basis for quashing of FIR/criminal proceedings against the accused.*

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22. *However, it is trite to mention that the power of the High Court under Section 482 Cr. P.C. can nevertheless be exercised in appropriate matters where it is felt that a prima facie case is not made out in consonance with the settled principles of law. There can indeed be no fetter on this power to act for securing the ends of justice or to prevent the abuse of process of law. However this observation for a moment is not to be construed as taking the possibility of a conviction being bleak due to settlement, to be a relevant factor for quashing the FIR under Section 304-A IPC. Reference is thus answered in the negative as there can be no quashing of an offence registered under Section 304-A and subsequent proceedings, solely on the basis of a compromise arrived at between the legal heirs/representatives of the victim (deceased) and the accused.*

23. *The matter be placed before the learned Single Judge for decision accordingly.”*

Since, in the present case, quashing of FIR has been sought solely on the basis of compromise, thus, as per law laid down by a Division Bench of this Court in the abovesaid judgment, the present petition deserves to be dismissed.

Today, no one has put in appearance on behalf of the petitioner in spite of the matter having been called twice.

Keeping in view the abovesaid facts and circumstances, the present petition is dismissed.

Liberty is granted to the petitioner to raise all the pleas available to him during the course of trial.

16.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No