

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 52280 of 2019
Reserved on : 21-03-2022
Pronounced on: 29-03-2022

Inderpal SinghPetitioner

Vs.

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ripu Daman, Advocate for
Mr. Sunil Mallan, Advocate for the petitioner.

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

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
311	31.08.2019	Phillaur, District Jalandhar Rural (Punjab)	279, 304-A IPC

The petitioner(s), 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 victim(s).

2. The gist of the allegations against the petitioner(s) is that the complainant (respondent No.2) made a statement before the police and based on such statement, the police registered the FIR captioned above. Needless to mention all the details and it is sufficient to say that the parties have entered into a compromise.
3. During the pendency of the petition, the accused and the complainant have compromised the matter, and its copy is annexed with this petition as Annexure P-2. After that, the petitioner(s) came up before this Court to quash the FIR, and in the quashing petition, the complainant have been impleaded as respondent(s).
4. On the prayer of the parties in the present petition, the Court had permitted the parties to appear before the concerned Court to record their statements.

5. On 20.11.2019, the complainant Om Parkash Kasaudhan, the respondent no. 2 entered into an out of court compromise with the accused and declared that there would be no objection if the court quashes this FIR and consequent proceedings.

ANALYSIS & REASONING:

6. The State's counsel has severely opposed this compromise and seeks dismissal of the petition because of the heinous nature of the offence.

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

"Statement of Om Parkash s/o Babu Lal, resident of Shri Nagar, Distt. Gonda, Police Station Dhanipur, Utter Pradesh, age 23 years 91205 76081, presently resident of Jagatpura Panjdera (Amol Singh). Stated that I am resident of aforementioned address. Babu Lal S/o Sigdesa, resident of Simarbad Bazar, Distt. Baishali, Bihar, Sartaj S/o Amir Ahmad resident of Bulupur, Tehsil Mirganj, Distt. Bareilly, U.P., Vinod S/o Sigdesa, resident of Simarbad Bazar, Distt. Baishali, Bihar and Dine S/o Jalo, resident of Purani Bazar, Tehsil Gonda, PS Dhanipur, Distt. Gonda and Sh. Bhagwan S/o Sigdesa, resident of Simarbad Bazar PS Dhatepur, PO Simarbad Bazar, Distt. Baishali, Bihar are also living with me at the aforementioned address. We are earning our living by selling small items in the different fairs. On dated 30.08.2019 we all were went to fair at Shri Raja Sahib near city Banga. We all persons came at Phagwara by bus and from Phagwara we came to Phillaur by bus and we get down from bus near road which is goes to "MAIYA DA DARWAR". We have to cross the road and we all cross the main highway Jalandhar to Ludhiana and stopped on the divider made on the road. At that time it was 9:30 PM. We all stopped at divider when Dinesh and Sh. Bhagwan started to cross the highway. At the time, a car came in full speed from Ludhiana side without any horn and brake and hit directly to Dinesh and Sh. Bhagwan and run to the side of Jalandhar from the occurrence/accident place. We all came to near them and see that Dinesh and Sh. Bhagwan were died on the spot. Peoples get together on spot after accident. With the help of peoples we took Dinesh and Sh. Bhagwan to the civil hospital Phillaur where doctor check and said that both of them have been died. I have clicked a photo of number plate which has fallen on the spot. I have submitted the photocopy of number plate which is bearing No. PB-08-BY-0600. Sartaj has handed over the number plate of car which has fallen on the spot, to police party. Aforementioned car driver has killed our two persons by accident. Kindly take legal action against him."

8. The petitioner and the second respondent have compromised the matter on 20-11-2019, vide compromise deed Annexure P-2. This compromise could not have taken place. The second respondent has no locus to compromise on behalf of the persons who had died in the road accident.

9. 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 of the considered opinion that the High Court has 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.”

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

Petition dismissed in the terms mentioned above. All pending applications, if any stand closed.

(ANOOP CHITKARA)
JUDGE

29.03.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.