

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

278

CRM-M-57241-2022 (O&M)
Date of decision: 26.07.2023

Sewak Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Hardik Ahluwalia, Advocate for the petitioner.

Mr. Hakam Singh, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

This petition is for quashing of FIR No.139 dated 25.10.2021, registered under Sections 279, 337, 427, 304-A IPC, at Police Station City Morinda, District Rupnagar, along with all the subsequent proceedings arising therefrom, on the basis of compromise/affidavit dated 31.10.2022 (Annexure P-2).

Learned State counsel submits that the FIR registered under Section 304-A IPC cannot be quashed on the basis of the compromise and in support of his contention, he relies upon the judgment dated 02.06.2016 passed by a Division Bench of this Court in CRM-M-40769-2014 titled as 'Baldev Singh Vs. State of Punjab and another'.

I have heard the learned counsel for the parties and have also gone through the documents on record.

In Baldev Singh's case (supra), the Hon'ble Division Bench of this Court has held as under:-

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

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.”

Faced with the situation, learned counsel for the petitioner wishes to withdraw the present petition.

The request is allowed.

Dismissed as withdrawn.

(HARNARESH SINGH GILL)
JUDGE

26.07.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No