

S. No.139

2024:PHHC:015207

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

CRM-M-5800 of 2024

Date of Decision:05.02.2024

Rajinder Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Anil Kumar Garg, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

Petitioner has been convicted by learned Additional Chief Judicial Magistrate, Bathinda vide judgment dated 10.01.2023 under Sections 279, 304A and 427 IPC in a case arising out of FIR No.0150 dated 15.06.2017 registered at Police Station Nathana, District Bathinda.

Appeal against the judgment of conviction and order of sentence is stated to be pending before learned Additional Sessions Judge, Bathinda and the same is stated to be fixed for 12.02.2024.

By way of present petition filed under Section 482 Cr.P.C., petitioner prays for quashing afore-said FIR and the consequent conviction on the basis of compromise. Compromise dated 29.09.2023 (Annexure P.4) is stated to have been effected between the petitioner and the legal heirs of the deceased.

However, this Court is not inclined to accept the prayer for quashing of the FIR based on the compromise in a case involving Section 304A IPC.

Learned counsel for the petitioner has then made an alternate prayer that the Appellate Court may be directed to take into consideration the

compromise effected between the parties at the time of considering the sentence in the pending appeal.

Notice of motion.

Mr. Anmol Singh Sandhu, AAG, Punjab, accepts notice on behalf of the respondent- State. Mr. Saroj Malakar, Advocate accepts notice on behalf of respondents No.2 to 6, who are stated to be legal heirs of the deceased and filed his Memo of Appearance. They have no objection so as to accept the afore-said limited prayer.

The present petition is hereby disposed of with direction to the Appellate Court concerned to take into consideration the compromise deed dated 29.09.2023 (Annexure P.4) while disposing of the appeal pending before it, in accordance with law.

February 05, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No