



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

CRM-M-8455-2022

DATE OF DECISION: 18.05.2024

**QUTUBULLAH @ SIRAJ CHOUDHARY AND ANOTHER
...PETITIONERS**

Versus

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pawandeep Singh, Advocate for the petitioner(s).
Mr. B.S.Virk, Sr. DAG, Haryana.
Mr. Karandeep Singh, Advocate for
Mr. Anand Vardan, Advocate for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.0002, dated 02.01.2022 (Annexure P-1), under Sections 304-A and 34 of the IPC, 1860 registered at Police Station Bajghera, District Gurugram, with all subsequent proceedings arising therefrom, on the basis of compromise dated 04.01.2022 (Annexure P-2).

At the outset, learned counsel for the petition submits that as per the FIR, offence under Section 304-A IPC prima facie has not been made out. This Court has gone through the contents of the FIR and the relevant part is reproduced below :-

‘ I came to know in the afternoon that my husband has got injuries while working in the company who has been taken to the hospital. Come there. After coming to know about Columbia Hospital Palam Vihar I reached the hospital with my



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parents where I came to know that my husband has died. My husband has died due to the negligence of the owner of the company and Manager Siraj Chaudhary who have not made any security arrangements for the labourers in the company. Legal action be initiated against both of them and the body of my husband be handed over at the earliest so that the last rites could be performed. RHB Complainant Anita 8429300612.'

This Court has gone through the aforesaid allegations made in the FIR and is of the considered view that no specific role of the accused Manager-Siraj Chaudhary of said company is coming forth since it was an accidental injury while working in the said company suffered by the deceased-husband of the complainant during the course of his official duty and in the absence of any specific role and the manner of injuries, if any, given by the accused-respondent allegations under Section 304-A read with Section 34 IPC is not made out wherein there is no common intention involved as the death is occurred due to an accident in the company during the course of his performing the duty assigned on machine wherein he suffered injuries.

In light of the above as well as the fact that parties have entered into compromise which has been placed on record at Annexure P-2, dated 04.01.2022 and also in pursuance to the report and statement recorded before the Trial Court, received from Judicial Magistrate First Class, Gurugram dated 08.05.2024, stating that the parties have entered into a compromise, which is genuine, voluntary and without any coercion or undue influence, this petition deserves to be allowed.



Learned counsel for respondent No.2 submits that he has no objection if the petition is allowed.

Full Bench of this Court in *Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052*, has held:-

“The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in noncompoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.

The power under Section 482 of the Cr.P.C. is to be exercised Ex-Debitia Justitia to prevent an abuse of process of Court. There can neither be an exhaustive list nor the defined para-meters to enable a High Court to invoke or exercise its inherent powers. It will always depend upon the facts and circumstances of each case. The power under Section 482 of the Cr.P.C. has no limits. However, the High Court will exercise it sparingly and with utmost care and caution. The exercise of power has to be with circumspection and restraint. The Court is a vital and an extra-ordinary effective instrument to maintain and control social order. The Courts play role of paramount importance in achieving peace, harmony and ever- lasting congeniality in society. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a



Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.”

The legal principles as laid down for quashing of the judgment were also approved by the Hon'ble Supreme Court in the matter of '**Gian Singh Versus State of Punjab and another,(2012) 10 SCC 303**'. Furthermore, the broad principles for exercising the powers under Section 482 were summarized by the Hon'ble Supreme Court in the matter of '**Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others versus State of Gujarat and another” (2017) 9 SCC 641**'.

Further, it is evident that in view of the amicable resolution of the issues amongst the parties, no useful purpose would be served by continuation of the proceedings. The furtherance of the proceedings is likely to be a waste of judicial time and there appears to be no chances of conviction.

In view of above, FIR No.0002, dated 02.01.2022 (Annexure P-1), under Sections 304-A and 34 of the IPC, 1860 registered at Police Station Bajghera, District Gurugram, with all subsequent proceedings arising therefrom, on the basis of compromise dated 04.01.2022 (Annexure P-2, is quashed qua the petitioners.

The present petition is hereby allowed.

(SANDEEP MOUDGIL)
JUDGE

18.05.2024
anuradha

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