



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31317-2024

Date of Decision:- 29.10.2024

NIRMAL SINGH

...Petitioner

Vs.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Swarn S. Tiwana, Advocate with Mr. Satvir Singh,
Advocate for the petitioner

Mr. Kewal Singh, Addl. A.G. Punjab.

Mr. Kanwaljeet Singh, Advocate for respondent Nos.2 to 4.

AMARJOT BHATTI, J.

1. Petitioner Nirmal Singh has filed this petition under Section 482 Cr.P.C. for quashing impugned FIR No.26 dated 23.11.2018 under Sections 279, 304A and 427 of IPC, registered at Police Station Kheri Nodh Singh (Annexure P-1) and all subsequent proceedings arisen therefrom on the basis of compromise dated 29.05.2024 (Annexure P-2) or any such order as Court may deem fit and proper under the given facts and circumstances of the case.

2. As per facts of the case, FIR has been registered on the statement of Jaswinder Singh @ Chhinda who stated that on 22.11.2018 Dalvir Singh son of his maternal uncle came on his tractor bearing registration No.PB-11G-1132 to get sugar (*shakkar*) from Ghularhi in village Raipur. After getting the same he was returning back and the



7 pm when they reached near the school, at some distance a silver coloured swift car bearing registration No.PB10-CX-0056 came from front side i.e. village Bhari and hit the car against the tractor of his cousin, as a result tractor turned turtle and his cousin Dalvir got entangled. Many persons collected there. He came to know the name of driver as Nirmal Singh who stopped for sometime. Later-on he managed to escape from there. His brother was taken to IVY Hospital Khanna and was referred to DMC Hospital, Ludhiana where he succumbed to the injuries. Complainant categorically stated that accident had taken place due to rash and negligent driving of car driven by Nirmal Singh. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that matter has been amicably settled with the private respondent Nos.2 to 4. Copy of compromise is annexed as Annexure P-2 and receipt regarding part payment is Annexure P-3. Motor Accident Claims Tribunal passed award dated 03.08.2022 (Annexure P-4) regarding which FAO is pending. Said compromise has been effected with the intervention of respectables of village. By relying upon the judgment reported in **2007 (3) RCR 1052, Kulwinder Singh and others Vs. State of Punjab and others** it is submitted that compromise arrived at between petitioner and private respondents will bring peace and harmony and it will reduce friction between parties. Learned counsel for petitioner, in support of his arguments, has also relied upon judgment of **Delhi High Court** in **Crl.M.C.-2167-2023 and Crl.M.A.8194-2023 titled as "Sunil Malhotra & Anr. Vs. State of NCT of Delhi & Anr."**, dated 22.11.2023 vide which FIR



registered under Section 304-A IPC was quashed. Therefore, it is prayed that aforesaid FIR No.26 dated 23.11.2018 under Sections 279, 304A and 427 of IPC, registered at Police Station Kheri Nodh Singh (Annexure P-1) along with subsequent proceedings arisen thereunder be quashed on the basis of compromise deed dated 29.05.2024 (Annexure P-2).

4. Mr. Kanwaljeet Singh, Advocate appeared on behalf of respondent Nos.2 to 4 and did not oppose the present petition. It is confirmed that matter has been settled with petitioner.

5. On the other hand, learned counsel representing State pointed out that in the aforesaid FIR on completion of investigation challan was presented on 24.04.2019 and chargesheet was framed on 07.09.2019. Out of 14 prosecution witnesses, 5 witnesses have been examined and 3 witnesses were given up. Therefore, trial in the aforesaid FIR is in progress before the court concerned.

6. I have considered the arguments advanced before me. I have gone through record carefully. As per the facts narrated above on 22.11.2018, Dalvir Singh suffered serious injuries due to rash and negligent driving of petitioner Nirmal Singh while driving his car No.PB10-CX-0056, as a result Dalvir Singh succumbed to the injuries during treatment. Nirmal Singh is facing trial in the aforesaid FIR in which 5 prosecution witnesses have already been examined. Now it is claimed that petitioner Nirmal Singh has effected compromise with Amanjot Kaur-respondent No.2 - wife, Manjit Kaur – respondent No.3 mother and Jaswinder Singh – respondent No.4 complainant/eye witness who is also cousin of the deceased victim. It has further come into light that deceased victim Dalvir



Singh is also having a son namely Amrit. Along with present petition, there is copy of award in MACT-31-2019 decided on 03.08.2022 (Annexure P-4) in which Amanjot Kaur and others have been awarded compensation of Rs.1,34,06,183/- along with interest as detailed therein. Regarding this award it is alleged that FAO is pending in the High Court.

7. On the matter in controversy, gainful reference can be made to judgment **2016 (3) Law Herald 2020 Punjab and Haryana High Court (DB)** case titled '**Baldev Singh Vs. State of Punjab**', relevant para Nos.21 and 22 runs as under:-

"21. 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 304A 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 304A 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.

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 304A I.P.C. Reference is thus answered in the negative as there can be no quashing of an offence registered under Section 304A and subsequent proceedings, solely on the basis of a compromise arrived at between the legal heirs/representatives of the victim (deceased) and the accused."

I have considered the facts of this case and guiding factor in compromise quashing of FIR registered under Section 304-A of IPC. Firstly quashing of FIR is done to meet the ends of justice and secondly to prevent abuse of process of law. It will depend on the facts and circumstances of each case. Quashing in criminal proceedings for non-compoundable offences may be exercised having overwhelming and predominantly cases of civil character or arising out of family dispute. In case parties have resolved all their dispute among themselves then compromise quashing even in non-compoundable offences can be considered. In the case in hand, victim Dalvir Singh lost his life in the accident allegedly caused by petitioner due to rash and negligent driving of car bearing registration No.PB10-CX-0056. On the basis of facts narrated in the FIR, Amanjot Kaur and others have been awarded compensation under the provisions of Section 166 of Motor Vehicles Act, 1988 vide award dated 03.08.2022 (Annexure P-4). Considering the nature of allegations and its gravity, especially when one person has lost life, I do not find a fit case for quashing of FIR on the basis of compromise. Thus



finding no merits in the petition same is declined.

8. My observations are made for the disposal of present petition having no bearing on the merits of the trial pending before the court concerned.

9. Petition is, accordingly, disposed of.

10. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

29.10.2024

snd

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No