

CRM-M-40470-2024

123 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.40470 of 2024 (O&M)  
Date of Decision: 22.08.2024

Kuldeep Singh @ Pardeep Singh ...Petitioner

Versus

State of Punjab and Others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rakesh Gupta, Advocate  
for the petitioner.  
  
Ms. Swati Batra, DAG, Punjab  
(Through video conferencing).

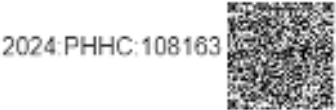
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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station              | Sections                                              |
|---------|------------|-----------------------------|-------------------------------------------------------|
| 112     | 08.06.2016 | Sahnewal, District Ludhiana | 279, 304-A IPC (Section 181 of MV Act added later on) |

Seeking quashing of FIR captioned above and impugned order dated 18.05.2023 passed by Judicial Magistrate Ist Class, Ludhiana vide which the petitioner has been convicted and sentenced to undergo rigorous imprisonment of one year and to pay fine of Rs.1000/- and in default thereof, to further undergo rigorous imprisonment of one month, the petitioner has come up before this Court under Section 482 Cr.P.C on the basis of compromise.

2. Notice served upon the official respondent through State counsel. The nature of order this court proposes to pass, no response is required from the respondent.
3. On advance notice, Mr. Arjun Attri, Advocate has put in appearance and has filed Power of Attorney on behalf of respondent Nos.2 to 4 in Court today, which is taken on record.
4. State counsel opposes the present petition on the ground that Section 304A IPC



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cannot be quashed on the basis of compromise for the reasons that person who was the victim had already expired. She further submits that the present case of the petitioner is different from other compoundable offences where the person/ victim expired subsequently.

5. At this stage, the counsel for the petitioner wants to withdraw the present petition with liberty to file an appropriate affidavit of mitigating factors before the Sessions Court for getting reduced the sentence of the petitioner based on the compromise.

6. Counsel for the respondent for the legal heirs of the deceased also submit that they would also file an affidavit for reduction of sentence of the petitioner because they do not want the convict to undergo incarceration for the reasons which they will explain in the affidavit.

7. Given above, the present petition is disposed of as withdrawn with liberty aforesaid. Appellate Court is requested to consider the fact of compromise, while hearing the appeal finally.

(ANOOP CHITKARA)  
JUDGE

22.08.2024

Sonia Puri  
Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/No.