



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

CRM-M-34389-2018

Date of decision: 21.02.2025

ARVINDER KAUR @ PARVINDER KAUR

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Neha Jain, Advocate for
Mr. K.S. Dadwal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Mohit Jaggi, Advocate
for respondent Nos.2 to 4.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of judgment of conviction and order of sentence dated 15.03.2017 (Annexure P-2) stemming from FIR No.135 dated 21.08.2012 under Section 304-A of IPC registered at Police Station Mataur, District SAS Nagar (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 09.06.2018 (Annexure P-3).

2. The following order was passed on 20.01.2025 :-

“Learned counsel for the petitioner inter alia contends that admittedly the death of the deceased has taken place due to electric shock and as such, the factual ingredients to prove the offence under Section 304-A of Indian Penal Code are admittedly not made out as these ingredients require mens rea and active participation of accused to do something rash and negligent resulting into death of a person and a compromise has been



*effected between the parties and he also relies upon the judgment of Co-ordinate Bench of this Court passed in CRM-M-17277-2014 titled as **Krishan Kumar Vs. State of Haryana** decided on 21.12.2017 and judgment of Hon'ble Supreme Court passed in **State of Madhya Pradesh Vs. Methaab 2015(1) RCR Criminal 1008** and submits that once prima facie, the offence under Section 304-A of IPC is not made out, there can be no embargo in quashing of FIR on the basis of compromise. He further contends that quashing of FIR(supra) would not hinge upon the public interest or substantial justice.*

Service is already complete.

Adjourned to 21.02.2025.

In the meantime, Parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of two weeks or any other date convenient to the trial Court/Illaq Magistrate to get their statements recorded regarding the compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of the compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 21.02.2025.

A copy of this order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

3. In compliance of the aforesaid order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 46, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and **Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (CrL) 1052**, this petition



is allowed and judgment of conviction and order of sentence dated 15.03.2017 (Annexure P-2) stemming from FIR No.135 dated 21.08.2012 under Section 304-A of IPC registered at Police Station Mataur, District SAS Nagar (Annexure P-1) and all consequential proceedings arising out of the same are quashed/set aside, qua the petitioner.

February 21, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |