

(2009) 03 P&H CK 0019

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-20441 of 2008

Anil Kumar

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 21-03-2009

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 304A

Citation : (2009) 3 RCR(Criminal) 258

Hon'ble Judges : Daya Chaudhary, J

Bench : Single Bench

Advocate : R.K. Girdhar, for the Appellant; K.D.S. Sidhu, DAG, Punjab For the Respondent 1 and Mr. Tejinder Pal Singh, Advocate For the Respondent No. 2, for the Respondent

Final Decision : Allowed

Judgement

Daya Chaudhary, J.—The present petition has been filed by the petitioner u/s 482 Cr.P.C. for quashing of an FIR No. 34 dated 30.3.2004

registered under Sections 304-A, 279, 377, 338 and 427 IPC at Police Station Sadar, Moga, on the basis of compromise.

2. Basant Singh-respondent No. 2 got registered an FIR levelling allegations therein that while he along with Harjit Singh, S/o Gurnam Singh were

going to village Dagru on scooter and reached near Bus Stand Jassowal, one Hero Handa Motor Cycle No. PB-02-T-0285 being driven by

Sukhwinder Singh along with Balbir Singh pillion rider and one scooter bearing No. PB-05-G-1596 driven by Milkha Singh along with Gurcharan

Singh pillion rider came from different sides. One Car bearing No. DL-4CJ4341 being driven at a high speed came and struck the Motor Cycle as

well as Scooter and the persons sitting suffered number of injuries. It transpired

that Anil Kumar, S/o Hakam Chand was the owner of the car.

Balbir Singh and Gurcharan Singh died at the spot due to injuries received. Sukhwinder Singh and Milkha Singh were taken to Civil Hospital,

Moga, where, Sukhwinder Singh also died. FIR was registered and challan was presented. Statement of Milkha Singh (PW-3) was recorded. The

legal heirs of the deceased also filed claim petition under the Motor Vehicles Act and during the pendency of same, widow of the deceased

Sukhwinder Singh, made statement, wherein, she has stated that since the matter has been compromised, therefore, she be permitted to withdraw

the petition. On the basis of that statement, the claim petition filed by the legal heirs of the deceased was dismissed as withdrawn being

compromised. Similarly, the statement of legal heirs of Balbir Singh was also recorded and their claim petition was also dismissed as withdrawn

being compromised. The legal heirs of Thakur Singh also withdrew their claim petition as having been compromised. The prosecution witnesses

were declared hostile as they did not support the prosecution version and specifically stated that they never made any such statement. On the basis

of said compromise, there are bleak chances of conviction and the pendency of trial would be sheer wastage of precious time of the Court and

wastage of public money also.

3. Since all the sections mentioned in the FIR registered against the petitioner are compoundable except Section 279 and 304-A IPC, therefore,

the present petition has been filed for quashing of the same.

4. Reply by way of an affidavit has already been filed by respondent No. 2 stating therein that the matter has been amicably settled between the

parties and the legal heirs of the deceased have been compensated by the petitioner and in view of the compromise, the claim petitions have been

withdrawn as having been compromised.

Today, both petitioner-Anil Kumar and respondent No. 2 Basant Singh are present in Court. They have been identified by their respective

counsel. Both petitioner as well as respondent No. 2 have specifically stated in the Court that since the matter has amicably been settled, they are

not interested in further pursuing the matter.

5. In view of the compromise arrived at between the parties, as the trial is likely to result into acquittal, continuance of further proceedings against

the present petitioner would be an abuse of process of law. Moreover, while discussing the scope of quashing proceedings on the basis of

compromise by this Court in exercise of powers u/s 482 Cr.P.C. even in non-compoundable offences, the larger Bench of this Court in Kulwinder

Singh and others v. State of Punjab and another, 2007 (3) RCR (Crl.) 1052 (PandH) has held that the Court has wide powers to quash the

proceedings even in non-compoundable offences notwithstanding the bar u/s 320 Cr.P.C. in order to prevent the abuse of law and to secure the

ends of justice. This view has further been supported by Hon'ble the Apex Court in Khurshid and another v. State of U.P. and another, 2007 (4)

RCR 495 : 2007 (5) RAJ 342 (SC), and permission was granted to compound the offence u/s /325 Cr.P.C.

6. Consequently, the petition is allowed. FIR No. 34 dated 30.3.2004 registered under Sections 304-A, 279, 337, 338 and 427 IPC, at Police

Station Sadar, Moga, is hereby quashed.