

(2019) 07 P&H CK 0079

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 29581 Of 2019

Kulvir Singh

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 17-07-2019

Acts Referred:

Citation : (2019) 07 P&H CK 0079

Hon'ble Judges : Amol Rattan Singh, J

Bench : Single Bench

Advocate : Rajiv Joshi

Final Decision : Dismissed

Judgement

Amol Rattan Singh, J

By this petition, the petitioner seeks quashing of FIR No. 0268 dated 10.12.2017, registered at Police Station Goraya, District Jalandhar (Rural), for the alleged commission of offences punishable under Sections 279/427/304-A IPC.

The quashing of the FIR is sought on the basis of a compromise stated to have been arrived at between the petitioner and the complainant in the FIR,

i.e. the brother of the person who unfortunately died in the accident in question, a copy of the said compromise deed having been annexed as

Annexure P-2 with the petition.

Whereas otherwise there may have been no reason to not allow the petition after recording the statements of the petitioner and the complainant,

however, vide a judgment of a Division Bench of this Court in Baldev Singh vs. State of Punjab and another 2016 (3) Law Herald 2020, it has been

specifically held that simply because the next of kin/the legal heir of the deceased enters into a compromise with the accused/convict, an FIR alleging

therein the commission of an offence punishable under Section 304-A IPC should not be quashed, it not being a private matter but an offence

against society (even though there is no intention to cause the death of the person).

That being so and the judgment of the Division Bench having been passed on a reference made to it on the issue of whether a crime registered under

Section 304-A IPC can be quashed on the basis of a compromise arrived at between the offender and the legal heir/representative of the

victim/deceased, obviously, this Bench is bound by the ratio of that judgment.

Consequently, with the petitioner still being tried before the trial Court, this petition is dismissed, but with no observation made hereinabove to be taken

to be on the merits of the case for or against the petitioner, which naturally would be gone into by the trial Court wholly on the basis of the evidence

led before it by both sides.

It is to be noticed that learned counsel for the petitioner has referred to a judgment of the Supreme Court in *Puttaswamy vs. State of Karnataka* and

another 2009 (1) RCR (Criminal) 501, to submit that their Lordships had in that case (and various other cases) reduced the sentence of the convict;

similarly convicted.

However, that was a case where the accused had already been convicted and sentenced to imprisonment, whereas the petitioner herein is still facing

trial. Hence, no parity can be drawn between the two situations.