
(2018) 04 P&H CK 0377

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 7029 Of 2018 (O&M)

Rajwant Singh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 19-04-2018

Acts Referred:

Indian Penal Code, 1860 — Section 279, 337, 338, 427, 304A

Citation : (2018) 04 P&H CK 0377

Hon'ble Judges : Amol Rattan Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Amol Rattan Singh, J.

By this petition, the petitioner seeks quashing of FIR no.0147 dated 04.11.2017, registered at Police Station City Jalalabad, District Fazilka, for the alleged commission of offences punishable under Sections 279, 337, 338, 427, 304-A IPC, and all other consequential proceedings arising therefrom, on the basis of a compromise arrived at between the petitioner and the complainant in the FIR, a copy of the compromise deed having been annexed as Annexure P-2 with the petition.

The complainant (respondent no.2 herein) is stated to be the brother of the deceased, Parvinder Singh, who died in a motor vehicle accident.

When this petition came up for hearing on 19.02.2018, learned counsel for the petitioner had sought time to try and distinguish the ratio of the judgment of a Division Bench of this Court in Baldev Singh v. State of Punjab, 2016 (3) Law Herald 2020, wherein it has been held that normally an FIR registered alleging therein the commission of an offence punishable under Section 304-A IPC, should not be quashed on the basis of a compromise between the accused and the legal heirs of the deceased/complainant, as the victim has already died.

The petition having come up for hearing thrice thereafter, on February 28, 2018, March 13, 2018 and April 16, 2018, none had appeared for the petitioner.

Today also, the case having been called twice, none has appeared for the petitioner.

The Division Bench held as follows in Baldev Singhs' case:-

"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 304-A 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 304-A 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."

Therefore, in the view of the ratio of the aforesaid judgment of the Division Bench in Baldev Singhs' case (supra), this petition cannot be entertained and consequently, it is dismissed.

However, nothing stated herein above would be construed to be a comment on the merits of the case and the investigating agency and the competent court would decide the case on its own merits, on the basis of the evidence gathered/led.