CRM-M-60678-2022 (O/M)   -1-   2024:PHHC:014284

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60678-2022 (O/M)
Date of decision : 29.01.2024

Sohan Singh   ...... Petitioner (s)

Versus

State of Punjab and others   ...... Respondent (s)

CORAM :   HON'BLE MR. JUSTICE HARSH BUNGER

Present :-   Mr. J.S. Bhinder, Advocate
              for the petitioner.

              Mr. Sanjeev Soni, Additional A.G. Punjab.

              Mr. Sukhmeet Singh, Advocate
              for respondents No. 2 and 3.
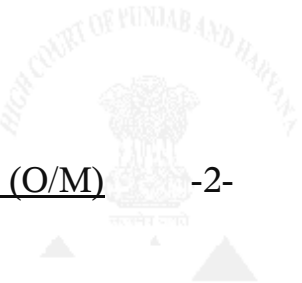
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HARSH BUNGER, J.

1.   Petitioner (Sohan Singh) has filed the instant petition
under Section 482 Cr.P.C. seeking quashing of FIR No. 168 dated 31.10.2016
(Annexure P-1) registered under Sections 279, 429 IPC at Police Station
Dirba, District Sangrur on the basis of compromise dated 16.12.2022
(Annexure P-2).

2.   Briefly, respondent No. 2 (Harbhol Singh son of Nahar Singh)
got registered aforesaid FIR wherein it was stated that on 31.10.2016, his
uncle (chacha), namely, Gurcharan Singh son of Siba Singh asked the

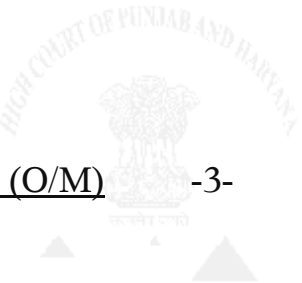CRM-M-60678-2022 (O/M)   -2-   2024:PHHC:014284

complainant to untie the buffaloes from his house and to tie them in the fields

due to paddy season whereupon the complainant followed the instructions of

his uncle Gurcharan Singh and while he was taking 4 buffaloes and 2 calves

from the house to the fields, situated at Nagakhedi road and when he reached

half kilometer ahead to village, then around 6.15 am while he was taking the

buffaloes on the left side then a bus came from the side of Nagakhedi bearing

registration No. PB13-AB-3149 (yellow colour) in high speed and the driver

smashed his bus into the buffaloes by driving the same at high speed and with

negligency. Due to said negligent act, it is stated that a calved buffalo died

and second young buffalo aged about 3 years got injured whereupon the

driver of bus was apprehended at spot who disclosed his name Sohan Singh,

however, the said driver is stated to have fled away from the people of village

gathered there.   Accordingly, the aforesaid FIR was registered.

3.   It appears that the petitioner, namely, Sohan Singh (Driver of

Bus) has entered into compromise with the complainant, namely, Harbhol

Singh, vide compromise deed dated 16.12.2022 (Annexure P-2).

4.   In the aforementioned circumstanced, this quashing petition has

been filed before this Court.

5.   I have heard learned counsel for parties and have also perused

the paperbook.

6.   In the instant case, the allegation against petitioner is that he

was driving the bus in a rash and negligent manner at a high speed and

smashed the bus into the buffaloes/calves going on the side of the road, which

resulted into death of one buffalo and injury to another. Petitioner seeks

quashing on the ground that he has entered into a compromise with the owner of the buffaloes.

7.   A perusal of the compromise deed would indicate that charge has been framed against the petitioner under Sections 279, 429 IPC and some of the prosecution witnesses already stand examined.

8.   In my view, animals may be mute but we as a society have to speak on their behalf and no pain or agony should be caused to the animals. Cruelty to animals also cause psychological pain to them. Animals breath like humans and have emotions; they require food, water, shelter, normal behavior, medical care, self-determination. The animals have a right to life and bodily integrity, honor and dignity. Animals cannot be treated merely as property.

9.   In the case of _Karnail Singh v. State of Haryana_, 2019(3) R.C.R. (Criminal) 396, the Hon'ble Punjab and Haryana High Court, while considering a case under Punjab Prohibition of Cow Slaughter Act, observed as under:

> *"93. Their Lordships of the Hon'ble Supreme Court in "A. Nagaraja's" case have held that Article 21 of the Constitution, while safeguarding the rights of humans, protects life and the word "life" has been given an expanded definition and any disturbance from the basic environment which includes all forms of life, including animals life, which are necessary for human life, fall within the meaning of Article 21 of the Constitution. "Life" means something more than mere survival or existence or instrumental value for human beings, but to lead a life with some intrinsic*

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worth, honour or dignity. All the animals have honour and dignity. Every specy has an inherent right to live and is required to be protected by law. The rights and privacy of animals are to be respected and protected from unlawful attacks. Their Lordships have evolved the term "species' best interest." The Corporations, Hindu idols, holy scriptures, rivers have been declared legal entities and thus, in order to protect and promote greater welfare of animals including avian and aquatic, animals are required to be conferred with the status of legal entity/legal person. The animals should be healthy, comfortable, well nourished, safe, able to express innate behavior without pain, fear and distress. They are entitled to justice. The animals cannot be treated as objects or property..."

10.   Keeping in view the totality and circumstances, this Court is of the considered opinion that it will not be open for this Court to exercise its power under Section 482 Cr.P.C. for quashing of FIR only on the basis of compromise. Therefore, this Court does not find any merit in this petition and same is rejected. However, it is made clear that no adjudication is being made on the merits of the controversy and the observations made by this Court are only for the limited purposes of considering the prayer for quashing on the basis of compromise executed between the petitioner-Sohan Singh (driver of bus) and complainant in the aforesaid case FIR.

11.   None of the observations made above shall be construed as any observation or expression on the merits of the case and the trial Court shall proceed with the trial without being influenced by the abovesaid

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observations.

12.　　　Pending application (s), if any, shall also stand closed.

　　　　　　　　　　　　　　　　　　(HARSH BUNGER)
　　　　　　　　　　　　　　　　　　　　JUDGE

29.01.2024
sjks

Whether speaking/reasoned　　:　　Yes　/　No
Whether reportable　　　　　:　　Yes /　No