



FAO-4804-2026 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

FAO-4804-2026 (O&M)

Reserved on : 10.09.2026

Pronounced on: 18.09.2026

Uploaded on:18.09.2026

Shriram General Insurance Company Limited

..... Appellant

VERSUS

Ushma Rani and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Sachini Ohri, Advocate, for the appellant.

Mr. Varun Sharma, Advocate, for respondents No.1 to 4.

DEEPINDER SINGH NALWA, J.

CM-17086-CII-2026

This application has been filed under Section 5 of the Limitation Act for condonation of delay of 43 days in filing of the present appeal.

In view of the reasons mentioned in the application, which are duly supported by an affidavit, the same is allowed. Delay of 43 days in filing of the present appeal is condoned.

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1. The present appeal has been filed against the award dated 05.03.2026 passed by the Motor Accident Claims Tribunal, Hoshiarpur



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(hereinafter referred to as the 'Tribunal'), whereby, the respondents-claimants have been held entitled for grant of compensation of an amount of Rs.95,04,344/- along with interest @6% per annum from the date of filing of the claim petition till the actual payment.

2. The brief facts of the case are that on 05.11.2022, Sanjeev Kumar-ASI (since deceased) along with ASI-Randhir Singh was deployed at Verka Milk Plant Chowk, Jalandhar to control the traffic. At about 5:00 PM, a Mahindra Bolero Pick Up vehicle bearing registration No.HP-86-4393 (hereinafter referred to as the 'offending vehicle') came from the side of Maqsudan. Respondent No.5-Rajnish Kumar was driving the offending vehicle rashly and negligently and in a zigzag manner. One more person namely, Manoj Sharma son of Yograj Sharma was sitting with respondent No.5. The deceased-Sanjeev Kumar (ASI) gave a signal to respondent No.5 to stop the offending vehicle, however, the other occupant of the offending vehicle, started abusing the police official and instigated respondent No.5 not to stop the offending vehicle. On his instigation, respondent No.5 accelerated the speed of the offending vehicle with intent to decamp from the spot and in this process while driving the same rashly and negligently, respondent No.5 hit ASI-Sanjeev Kumar who fell down on the road and received multiple injuries on various parts of the body. Respondent No.5 fled away with the offending vehicle towards New Focal Point. ASI-Randhir Singh identified respondent No.5 as well as other occupant of the offending vehicle,



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namely, Manoj Sharma. The deceased-Sanjeev Kumar (ASI) was immediately rushed to Bal Hospital, Jalandhar in an auto-rickshaw, from where he was referred to Sacred Heart Hospital, Maqsudan. During the course of treatment, ASI-Sanjeev Kumar (since deceased) succumbed to the injuries received by him on the same day. An FIR No.144 of 2022 was registered under Section 302 read with Section 34 of IPC. Thereafter, the wife of the deceased-Sanjeev Kumar (ASI) along with her three daughters filed a claim petition under Section 166 of the Motor Vehicles Act for grant of compensation on account of death of Sanjeev Kumar-ASI in a motor vehicular accident. It was the case of the claimants in the abovesaid claim petition that because of rash and negligent driving of respondent No.5, the accident took place which led to death of Sanjeev Kumar-ASI.

3. Upon notice, written statement was duly filed by the appellant-insurance company. It was the case of the appellant-insurance company that the offending vehicle was not involved in the accident. It was further pleaded by appellant-insurance company that it was not a case of accident rather it was a case of murder and an FIR No.144 of 2022 was registered under Section 302 read with Section 34 of IPC. Therefore, the claim petition filed by the claimants was not maintainable.

4. The Tribunal vide award dated 05.03.2026 decided the claim petition in favour of the claimants. As per the abovesaid award dated 05.03.2026 passed by the Tribunal, the claimants were entitled for grant



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of compensation of an amount of Rs.95,04,344/- on account of death of Sanjeev Kumar-ASI in a motor vehicular accident. The claimants were also held entitled for interest @ 6% per annum on the amount of compensation from the date of filing of the claim petition till actual realization of the amount.

5. Aggrieved against the award dated 05.03.2026, the appellant-insurance company has filed the present appeal.

6. The only contention raised by the learned counsel appearing on behalf of the appellant-insurance company is that once, an FIR No.144 of 2022 was registered under Section 302 read with Section 34 of IPC and the challan has also been presented, it would not amount to motor vehicular accident but would amount to the offence of murder as respondent No.5 has committed a murder while he was driving the offending vehicle.

7. On the other hand, learned counsel appearing on behalf of the respondents No.1 to 4-claimants submits that no evidence has been led by the appellant-insurance company to show that there was intention of the driver of the offending vehicle to commit murder.

8. I have heard the learned counsel appearing on behalf of the parties at length and have perused the paper-book with their able assistance.

9. In regard to contention raised by the learned counsel appearing on behalf of the appellant-insurance company is concerned, in a



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case of murder arising out of an accident, the intent and motive of the perpetrator for such killing is relevant. A perusal of the facts of the present case would show that the deceased-Sanjeev Kumar (ASI) had given signal to respondent No.5 i.e. driver of the offending vehicle to stop the offending vehicle, however, instead of stopping the offending vehicle, respondent No.5 accelerated the speed thereof with an intent to flee/decamp from the spot and in this process, while driving the offending vehicle in a rash and negligent manner hit the deceased-Sanjeev Kumar (ASI). From the abovesaid facts, it cannot be said that there was any intention or motive on the part of respondent No.5 to commit murder arising out of an accident.

10. Reliance is placed on a judgment dated 27.04.2000 passed by the Hon'ble Supreme Court of India in **Civil Appeal No.3021 of 2000 (Arising out of SLP (C) No.17493 of 1998)** titled as **Smt. Rita Devi Vs. New India Assurance Co. Ltd.** Relevant extract of the judgment is reproduced below:-

“9. The question, therefore, is can a murder be an accident in any given case ? There is no doubt that ‘murder’ as it is understood, in the common parlance is a felonious act where death is caused with intent and the perpetrators of that act normally have a motive against the victim for such killing. But there are also instances where murder can be by accident on a given set of facts. The difference between a ‘murder’ which is not an accident and a ‘murder’ which is an accident, depends on the proximity of the cause of such murder. In our



opinion, if the dominant intention of the act of felony is to kill any particular person then such killing is not an accidental murder but is a murder simplicitor, while if the cause of murder or act of murder was originally not intended and the same was caused in furtherance of any other felonious act then such murder is an accidental murder.”

11. Even otherwise also, a perusal of cross-examination of RW-1, Jatinder Kumar, retired Inspector, who was the investigating officer, would show that during the investigation, there was no proof of any enmity between the driver of the offending vehicle and deceased-Sanjeev Kumar (ASI). In the testimony of examination-in-chief of Randhir Singh-ASI, it has been specifically stated by him that respondent No.5 in order to flee/decamp from the spot drove the offending vehicle in a very rash and negligent manner and hit the deceased-Sanjeev Kumar (ASI).

12. Similar issue came up for consideration before a Coordinate Bench of this Court in FAO-5855-2015 titled as Smt. Naraini Devi and others Vs. Pappu Singh and others, decided on 18.04.2023, wherein, after considering the Rita Devi's case (supra), the Coordinate Bench has held that the intention of a person causing accident is totally immaterial. It is the use of the vehicle on road and such vehicle causing accident due to the fault of vehicle or any person in following rules of road; leading to the death, which makes the vehicle *per se* liable for payment of the compensation. Relevant extract of the judgment is reproduced below:-



*“11. Having heard the counsel for the parties, this court finds substance in the argument raised by the counsel for the appellants. It is not even in dispute, rather, is even admitted by the driver and the owner of the vehicle that the accident had been caused by the offending vehicle. Beside this also, the sufficient evidence has been led on file to prove the fact that accident in question was caused by the offending vehicle. Therefore, the owner, or for that matter, the insurance company of the insured vehicle cannot avoid the liability only by pleading that there was no negligent driving involved in the case, rather it was a case of intentional murder. In **FAO No. 2558 of 2016 titled as Tata AIG General Insurance Company Limited v. Surjeet Kaur and others decided on 7th March, 2022**, this court has already held that negligence in driving is not the basis for award of compensation in a motor vehicle accident case. Rather, the reason for entitling the family in distress to the compensation is the loss of earning family member in an incident involving use of vehicle on road. Still further it has also been held that the family of a deceased is not granted compensation as a reward for careful conduct by the deceased earning member at the time of accident, rather, the compensation is awarded to compensate the loss resulting from such a motor vehicle accident. The intention of the person causing accident is totally immaterial. It is the use of the vehicle on road and such vehicle causing accident due to default of vehicle or any person in following rules of Road; leading to the death, which makes the vehicle per se liable for payment of the compensation. Therefore, the finding recorded by the Tribunal that since the case involved intentional murder, therefore the negligent driving was excluded, and hence compensation cannot be granted; is totally non-sustainable. In **FAO No.8006 of 2015 titled as Devender v. Parmod & another, passed on 17.01.2023**, this court has considered this aspect and has held as under:*



*"7. The argument that the intention to commit murder takes the incident of the accident out of the purview of the Motor Vehicle Act for the purpose of claim petition is not only non-sustainable but is an absurdity in logic. If this argument is accepted and the claim petition is rejected on this ground then that would tantamount to giving premium to the person who caused accident on road; on his own conduct. This is not the policy of the law or the philosophy of the law. Moreover, even the intention to cause death by vehicle on road involved violations of rules prescribed for careful driving on road. So the deliberate causing accident encompasses negligence within it for the purpose of motor vehicle accident. The person causing accident on the road, resulting into death or injury to another person, is liable to compensate the family of the deceased or the injured person; irrespective of his intention in causing such an accident. The judgments relied upon by counsel for the respondent-Insurance Company in this regard, are totally distinguishable on the facts. The basic judgment on the issue, which is also mentioned in other judgments being relied upon by the counsel for the appellant is the judgment of the Supreme Court in the case of **Rita Devi v. New India Assurance Co. Ltd. 2000 ACJ 801**. However, that judgment itself says that even if the intention to murder is there, then this would not per se exclude the liability to pay the compensation on account of having caused motor vehicle accident. Liability would be relating to the facts of the individual case. In that particular case; the facts were that vehicle involved in the accident was the auto-rickshaw owned and driven by the deceased himself in which the accused were travelling as passengers. They tried to snatch that auto-rickshaw, which resulted in accident. Therefore, the accused in that case were not driving any vehicle; as*



such, and hence it was not even a case of motor vehicle accident on the part of the respondents. Rather, it was a case of snatching resulting into death. Therefore, the liability on their part presumed to be excluded. Therefore, the facts of that case have no parallel with the facts of the present case. In fact, if the argument of the Insurance Company is accepted, then every claim petition can be defeated by asserting deliberate accident, irrespective of criminal consequences. "

*12. Otherwise also, this court has repeatedly held that registration of criminal case is not even a sine qua non for maintaining the claim petition, as such. Registration of FIR can be taken only as a collateral corroborative fact to the limited aspect of accident having happened, as such. Any other aspect of the criminal case is totally irrelevant for the purpose of decision of the claim petition. This has been so held by this court in **FAO No.5296 of 2022 titled as United India Insurance Company Ltd. v. Mamta & others decided on 06.01.2023**. Hence, whatever are the facts, proceedings or result of criminal case, that are totally irrelevant for the purpose of the issue involved in the present claim petition."*

13. It is also not in dispute that the offending vehicle was involved in the accident. Once, the finding was given that the offending vehicle was involved in the accident, the appellant-insurance company cannot avoid its liability. It is well settled law that mere registration of criminal case and filing of challan does not disentitle the claimants from benefit of the claim.

14. Taking into consideration the facts of the present case and the evidence led by the parties, it cannot be held that the accident was caused



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with an intention to murder. Accordingly, this Court finds no merit in the present appeal and the same is dismissed.

15. Pending miscellaneous application(s), if any, shall also stand(s) disposed of.

(DEEPINDER SINGH NALWA)
JUDGE

18.09.2026
Ramandeep Singh

Whether speaking / reasoned	Yes / No
Whether Reportable	Yes/ No