

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34148 of 2015

Date of Decision: May 18, 2016

Ravinder Singh Guleria

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sameer Sachdeva, Advocate
for the petitioner.

Mr. Jasjeet Dhaliwal, DAG, Punjab.

FATEH DEEP SINGH, J.

The petitioner who is an accused in a case got registered by way of an FIR No.35 dated 25.5.2015 under Sections 304-A,279,427 IPC Police Station, Begowal, District Kapurthala has moved this Court under Section 482 Cr.P.C. seeking quashment of the same on the basis of compromise Annexure P/2.

On the basis of the same, this Court has sent the parties before the trial Court to record their statements. Report dated 25.1.2016 has been received, whereby, the Court of learned Judicial Magistrate 1st Class, Kapurthala has reported that the parties have entered into a compromise voluntarily without any coercion, undue influence or pressure.

Heard.

It is admitted stand of the petitioner, private

respondents as well as State in the statements before the Court that in this accidental death Gurharbhajan Singh had died and that Surmit Kaur is his widow, Kuljinder Singh and Harjit Singh are his sons and Harjinder Kaur is daughter, and, thus, legal heirs of the deceased. In the light of the report of the Court below and in view of the submissions of legal heirs that on the intervention of the respectables without any coercion and undue pressure they have settled the dispute with the petitioner. No doubt, FIR has been lodged by one Jaswant Singh and in view of settled law that it is the ultimate victim that is the legal heirs in this case who are the actual victims of this crime and the compromise deed Annexure P/2 placed on record is duly executed by the petitioner Ravinder Singh Guleria as second party and, these heirs as first party whereby, their rights have been adequately protected and they have been monetarily compensated on account of this accidental death. Since the offence under Section 304A IPC is not of heinous nature and is bailable offence and prescribed sentence is only up to two years and that in view of the law laid down in **Tilak Raj and others vs. State of Punjab and others CRM-M-25809 of 2013** since legal heirs have been duly compensated and have stated that they have no objection if the criminal proceedings against the petitioner are quashed, the instant petition is allowed.

In view of the same and the fact that the parties have effected a compromise which will go a long way to sort out the differences between them and in view of law laid down in **Gian Singh vs. State of Punjab and another 2012(4) RCR Criminal 543** and **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR Criminal 1052**, FIR

No.35 dated 25.05.2015 under Sections 304-A, 279,427 IPC Police Station, Begowal, District Kapurthala and all other consequential proceedings arising therefrom are hereby quashed qua the present petitioner.

Petition stands disposed off.

(FATEH DEEP SINGH)
JUDGE

May 18, 2016
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