

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-43110 of 2013

.....

Date of decision:6.9.2016

Rajiv Kumar

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. C.M. Munjal, Advocate for the petitioner.

Mr. D.S. Virk, Assistant Advocate General, Punjab
for the respondent-State.

None for the complainant-respondents No.2 to 5.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for the quashing of FIR No.98 dated 29.8.2001 (Annexure-P.1) registered for the offences under Sections 304-A, 279, 337, 338 and 427 IPC at Police Station City Malout, District Sri Muktsar Sahib and the order dated 25.11.2011 (Annexure-P.2) passed by learned Sub Divisional Judicial Magistrate, Malout, whereby the petitioner has been awarded two years rigorous imprisonment against which the appeal is pending before the learned Sessions Judge, Sri Muktsar Sahib and sentence awarded to the petitioner has already been suspended, on the basis of the compromise now effected with the private respondents.

Notice of motion has been issued in this case.

Mr. D.S. Virk, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition. Earlier Mr. Vikas Kumar, Advocate has put in appearance on behalf of respondents No.2 to 5, but today he is not present.

I have heard learned counsel for the petitioner and learned Assistant Advocate General, Punjab and have gone through the record.

In view of the judgment passed by a Division Bench of this Court in Baldev Singh v. State of Punjab and another, Criminal Misc. No.M-40769 of 2014, decided on 2.6.2016, wherein it has been held that there can be no quashing of offence under Section 304-A IPC and subsequent proceedings solely on the basis of compromise arrived at between legal heirs/representatives of the victim (deceased) and the accused, I find no merit in this petition and the same is dismissed.

September 6, 2016.

(Inderjit Singh)
Judge

hsp

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