

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

CRM-M-28851-2020
Date of Decision:-**25.04.2023**

RAKESH KUMAR BANSAL AND ORS.

... Petitioners

Versus

STATE OF PUNJAB AND ORS.

... Respondents

-. -

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-. -

Present:- Mr. Navkiran Singh, Advocate
for the petitioners.

Mr. Hakam Singh, AAG, Punjab.

Ms. Harpreet Kaur, Advocate
for respondent Nos.2 to 4.

-. -

KARAMJIT SINGH, J. (Oral)

1. Present petition is for quashing of FIR No.190 dated 9.7.2020 registered under Sections 304-A, 506 IPC at Police Station Sirhind, District Fatehgarh Sahib on the basis of compromise (Annexures P-2 to P-4) along with other consequential proceedings arising thereto.
2. The abovesaid FIR was registered on the statement of complainant/respondent No.2-Shinda Singh against the petitioners.

3. On notice of motion, respondents No.2 to 4 appeared in the Court through their counsel and pleaded that they have no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.
4. During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.
5. In compliance thereof, report from the Court of Additional Chief Judicial Magistrate, Fatehgarh Sahib along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.
6. I have heard learned counsel for the parties.
7. The brief facts of the case are that deceased Kuldeep Singh @ Gulli aged about 45 years was working as a labourer in factory of JMK Industries, Wazirabad (Police Station Sirhind). Mishap took place in the said factory on account of which Kuldeep Singh Gulli sustained injuries on 18.5.2020. The injured was admitted in the hospital for treatment, where he died on 7.7.2020. The matter was reported to the police and resultantly FIR was registered in the present case against the owner and other responsible officials of the said factory.
8. The counsel appearing on the behalf of the petitioners submits that deceased Kuldeep Singh @ Gulli was unmarried and respondents

No.2 to 4 are his only legal heirs. That respondents No.2 and 3 are real brothers while respondent No.4 is nephew of deceased. The counsel for the petitioners further submits that respondents No.2 to 4 have been given adequate and proper compensation by the petitioners and to this effect respondents No.2 to 4 have given their affidavits (Annexures P-2 to P-4). The counsel for the petitioner further submits that as per the report submitted by the Court below, the parties have entered into a genuine compromise out of their free Will and the same is voluntary.

9. The counsel appearing on behalf of respondents No.2 to 4 submits that respondents No.2 to 4 are having no objection if the present petition is allowed. She further submits that the petitioners have compensated respondents No.2 to 4 by making payment of reasonable and sufficient amount to them. The counsel for respondents No.2 to 4 further submits that respondents No.2 to 4 are only legal heirs of the deceased, who was bachelor.
10. Learned counsel for the parties are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.
11. The learned counsel for the petitioners while referring to judgments passed by the Coordinate Bench of this Court in **CRM-M-25923-2017** titled as **Ravi Bansal vs. State of Punjab and Ors.** decided on **25.9.2017**; **CRM-M-13762-2017** titled as **Kamaldeep vs. State of**

Punjab and Ors. decided on **5.7.2017**; **CRM-M-31517-2017** titled as **Parveen Kumar @ Pawan Kumar Verma vs. State of Punjab and Ors.** decided on **6.11.2017**, submits that the present petition filed by the petitioner seeking quashing of FIR registered under Section 304-A IPC on the basis of compromise is maintainable.

12. It is clear that deceased was engaged to do manual labour in factory of JMK Industries. There does not appear to be much material to show that the owner and responsible officials including the Supervisor were having any *mens rea*. The accident had occurred in the due course of work/labour being performed by the deceased and other worker.
13. After going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice, as the parties have arrived at an out of Court settlement by way of compromise. The compromise is without any pressure and is genuine. Further in the given circumstances, it will be difficult for the prosecution to secure a conviction.
14. I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. Also there is no legal impediment in translating their wishes into reality by putting an end to the criminal prosecution initiated on the basis of FIR in question. Further as the matter has been compromised, the continuation of the proceedings would amount to abuse of the process of the Court.

15. For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, this petition is allowed and FIR No.190 dated 9.7.2020 registered under Sections 304-A, 506 IPC at Police Station Sirhind, District Fatehgarh Sahib on the basis of compromise (Annexures P-2 to P-4) and all the subsequent proceedings thereof are hereby quashed qua the petitioners.

25.04.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No

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

CRM-M-28851-2020
Date of Decision:-**25.04.2023**

RAKESH KUMAR BANSAL AND ORS.

... Petitioners

Versus

STATE OF PUNJAB AND ORS.

... Respondents

-. -

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-. -

Present:- Mr. Navkiran Singh, Advocate
for the petitioners.

Mr. Hakam Singh, AAG, Punjab.

Ms. Harpreet Kaur, Advocate
for respondent Nos.2 to 4.

-. -

KARAMJIT SINGH, J. (Oral)

1. Present petition is for quashing of FIR No.190 dated 9.7.2020 registered under Sections 304-A, 506 IPC at Police Station Sirhind, District Fatehgarh Sahib on the basis of compromise (Annexures P-2 to P-4) along with other consequential proceedings arising thereto.
2. The abovesaid FIR was registered on the statement of complainant/respondent No.2-Shinda Singh against the petitioners.

3. On notice of motion, respondents No.2 to 4 appeared in the Court through their counsel and pleaded that they have no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.
4. During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.
5. In compliance thereof, report from the Court of Additional Chief Judicial Magistrate, Fatehgarh Sahib along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.
6. I have heard learned counsel for the parties.
7. The brief facts of the case are that deceased Kuldeep Singh @ Gulli aged about 45 years was working as a labourer in factory of JMK Industries, Wazirabad (Police Station Sirhind). Mishap took place in the said factory on account of which Kuldeep Singh Gulli sustained injuries on 18.5.2020. The injured was admitted in the hospital for treatment, where he died on 7.7.2020. The matter was reported to the police and resultantly FIR was registered in the present case against the owner and other responsible officials of the said factory.
8. The counsel appearing on the behalf of the petitioners submits that deceased Kuldeep Singh @ Gulli was unmarried and respondents

No.2 to 4 are his only legal heirs. That respondents No.2 and 3 are real brothers while respondent No.4 is nephew of deceased. The counsel for the petitioners further submits that respondents No.2 to 4 have been given adequate and proper compensation by the petitioners and to this effect respondents No.2 to 4 have given their affidavits (Annexures P-2 to P-4). The counsel for the petitioner further submits that as per the report submitted by the Court below, the parties have entered into a genuine compromise out of their free Will and the same is voluntary.

9. The counsel appearing on behalf of respondents No.2 to 4 submits that respondents No.2 to 4 are having no objection if the present petition is allowed. She further submits that the petitioners have compensated respondents No.2 to 4 by making payment of reasonable and sufficient amount to them. The counsel for respondents No.2 to 4 further submits that respondents No.2 to 4 are only legal heirs of the deceased, who was bachelor.
10. Learned counsel for the parties are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.
11. The learned counsel for the petitioners while referring to judgments passed by the Coordinate Bench of this Court in **CRM-M-25923-2017** titled as **Ravi Bansal vs. State of Punjab and Ors.** decided on **25.9.2017**; **CRM-M-13762-2017** titled as **Kamaldeep vs. State of**

Punjab and Ors. decided on **5.7.2017**; **CRM-M-31517-2017** titled as **Parveen Kumar @ Pawan Kumar Verma vs. State of Punjab and Ors.** decided on **6.11.2017**, submits that the present petition filed by the petitioner seeking quashing of FIR registered under Section 304-A IPC on the basis of compromise is maintainable.

12. It is clear that deceased was engaged to do manual labour in factory of JMK Industries. There does not appear to be much material to show that the owner and responsible officials including the Supervisor were having any *mens rea*. The accident had occurred in the due course of work/labour being performed by the deceased and other worker.
13. After going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice, as the parties have arrived at an out of Court settlement by way of compromise. The compromise is without any pressure and is genuine. Further in the given circumstances, it will be difficult for the prosecution to secure a conviction.
14. I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. Also there is no legal impediment in translating their wishes into reality by putting an end to the criminal prosecution initiated on the basis of FIR in question. Further as the matter has been compromised, the continuation of the proceedings would amount to abuse of the process of the Court.

15. For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, this petition is allowed and FIR No.190 dated 9.7.2020 registered under Sections 304-A, 506 IPC at Police Station Sirhind, District Fatehgarh Sahib on the basis of compromise (Annexures P-2 to P-4) and all the subsequent proceedings thereof are hereby quashed qua the petitioners.

25.04.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No