

Criminal Miscellaneous No.M-1027 of 2016

Date of Decision: *December 06, 2016*

Rattan Lal

..... PETITIONER

VERSUS

State of Punjab & another

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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PRESENT: Mr. Achin Gupta, Advocate, for the petitioners.

Mr. A.S. Sidhu, Assistant Advocate General, Punjab for
respondent No.1 – State.

Mr. Vaneet Monga, Advocate, for respondent No.2.

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Jaspal Singh, J

1. This is a petition under Section 482 Cr.P.C. for quashing FIR No.133 dated July 26, 2015 under Section 306 IPC registered at Police Station, Ghall Khurd, District Ferozepur (Annexure P-1) on the basis of compromise.

2. Succinctly, the instant case has been registered on the statement of complainant – respondent No.2 Madan Lal, who is running a shop of vegetables at Mudki. He stated that his son Lovedeep (since deceased) used to work with him. Lovedeep used to buy vegetables from petitioner – Rattan Lal who is running a commission agency (Aarat) at Sabzi Mandi, Faridkot. Lovedeep started buying vegetables from some other

commission agency, whereafter, petitioner started insulting him in the market. Complainant asked the petitioner not to harass/insult his son and asked him to sort out the matter by sitting together but Rattan Lal hurled bad words to complainant. On July 24, 2015 petitioner again insulted Lovedeep in front of other persons whereupon he got upset and did not return home. Thereafter, his dead body was recovered from Rajasthan Feeder Canal at bridge Dheema Wali, Faridkot. Lovedeep had committed suicide by jumping into the canal as he was fed up from Rattan Lal. FIR under Section 306 IPC was registered and investigation was set in motion.

3. Now, instant petition has been filed by petitioner on the ground that parties have effected a compromise and that, complainant has no objection in case the aforesaid FIR is quashed. Counsel for the complainant – respondent No.2 is also present and reiterated that since the parties have settled the dispute in the interest of justice and they want to live in peace, instant FIR may be quashed.

4. This court has given an anxious thought to the submissions made by learned counsel for the parties and perused the record.

5. As is evident from the record, direct and serious allegations of abetting the commission of suicide by Lovedeep (deceased) are assigned to the present petitioner, who is the main accused. Moreover, a person has lost his life. The power under Section 482 Cr.P.C. cannot and indeed should not always be exercised to quash the criminal prosecution on the basis of compromise in such a heinous offences, having serious impact on the society. The sequence of events as narrated here-in-above, would leave no manner of doubt that the serious allegations of abetment to commit suicide are assigned to the petitioner, which, prima facie, attract the provisions of

Section 306 IPC. Therefore, in that eventuality, the mere fact that the petitioner-accused has entered into the alleged compromise with the complainant is not a ground, much-less cogent, to quash the impugned FIR in such heinous offence, having direct impact on the society. Therefore, it would not be in the interest of justice to quash the impugned FIR (Annexure P1) on the basis of compromise.

6. In the light of aforesaid reasons, taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side, during the course of trial of main case, as there is no merit, therefore, the instant petition is hereby dismissed as such.

December 06, 2016

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**(Jaspal Singh)
Judge**

Whether Speaking or Non-speaking
Whether Reportable or not

: Yes/No
: Yes/No