

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

**CRM No. M-24088 of 2016
Date of decision: 30.11.2016**

Harjinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Satinder Kaur, Advocate,
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

Mr. B.S. Bhalla, Advocate,
for respondent No.2-complainant.

Ritu Bahri, J.

Quashing of FIR No. 23 dated 16.05.2016, under Section 306 IPC, registered at Police Station, Mallanwala, District Ferozepur (Annexure P-1) is sought on the basis of compromise dated 08.07.2016 (Annexure P-3).

The F.I.R was registered on the basis of statement made by Balkar Singh-respondent No.2 to the effect that marriage of his daughter, Bhagwan Kaur, was solemnized with Rasaal Singh son of Malook Singh about 17/18 years back. Out of this wedlock, three children were born. On 13.05.2016, at about 11.00 o'clock, he received a phone call from Chowki Khosa Dal Singh stating that his daughter had jumped into the river near village Bhrana and her *dupatta*, a pair of *chappals* (slippers) and one mobile

phone were found near the bank of river. Thereafter, the complainant along with Balwinder Singh and his son Joga Singh reached the spot and took into possession the aforesaid articles belonging to his daughter. On 16.05.2016, the complainant came to know from a news item published in the newspaper that dead body of a lady was lying in Police Station, Sadar, Muktsar. Thereafter, he reached there and identified the dead body of his daughter Bhagwan Kaur. Later on, he came to know that his daughter had gone to take medicine at Zira, where Harjinder Singh Hawaldar-petitioner, who was posted at Police Station, Fatehgarh Pajtoor, had administered some intoxicant to Bhagwan Kaur and made a bad movie with her. Thereafter, he uploaded the movie on the internet. Due to this reason, his daughter Bhagwan Kaur had committed suicide by jumping into the river. In this background, the FIR was registered.

After registration of the FIR, with the intervention of respectable persons, the matter has now been amicably resolved between the parties vide compromise deed dated 08.07.2016 (Annexure P-3). Complainant has also given his affidavit dated 08.07.2016 (Annexure P-2) stating that he got recorded the name of Harjinder Singh-petitioner due to some misunderstanding. Harjinder Singh has no role to play in the death of his daughter.

In compliance with the order dated 18.07.2016 passed by this Court, the parties got recorded their statements before the trial Court/Illaq Magistrate. Report from the Sub Divisional Judicial Magistrate, Zira, has been received in this regard. As per report, Balkar Singh-respondent No.2 (complainant) made his statement on 29.07.2016 to the effect that he had got registered the aforesaid FIR against Harjinder Singh-petitioner at the

instigation of some people. Later on, he enquired about the matter and came to know that Harjinder Singh was not accused in this case and he was innocent. Now, with the intervention of respectable persons, he has compromised the matter with accused-Harjinder Singh out of his own free will and without any coercion or pressure. He has no objection if, the above said FIR is quashed. Separate statement of Harjinder Singh-petitioner was also recorded to the same effect. In view of separate statements given by the parties, the court is satisfied that the compromise is valid and genuine one.

This Court in **Sucha Singh and others Vs. State of Punjab and another**, 2011 (7) RCR (Criminal) 2546, had quashed an FIR, which was registered under Section 306 IPC. In that case, mother of the deceased had given an affidavit stating therein that the deceased had two sons, aged about 10 and 12 years, which were living with their father Sukhwinder Singh and that the matter had been resolved keeping in mind the future of the children of deceased. While quashing the criminal proceedings, this Court had observed that continuation of the proceedings shall only result in wastage of time as the same was not likely to result in conviction. Further reference can be made to another judgment passed by this Court in **Sham Lal and another Vs. State of Punjab and another**, 2012 (8) RCR (Criminal) 432, wherein while quashing an FIR, which was registered under Section 306 IPC, it was observed as under:-

“8. Taking into account the allegations, compromise dated 19.02.2011 as well as affidavits of the complainant and other legal heirs as also the fact that no offence under Section 306 Indian Penal Code is made out, there is no impediment in the way of this Court to quash the present FIR and subsequent proceedings arising out of the same being misuse of the process of law.”

In the present case, father of the deceased has made a statement that he has compromised the matter with accused-petitioner and has no objection in quashing of the FIR, as the FIR has been got registered on account of some misunderstandings.

Consequently, in view of the status report; decision given by Hon'ble the Supreme Court in the case of **Madan Mohan Abbot vs. State of Punjab**, 2008(2) RCR (Criminal) 429; the law laid down by a Full Bench of this Court in **Kulwinder Singh and Ors. vs. State of Punjab and another**, 2007(3) RCR (Crl.) 1052 and the judgments passed in **Sucha Singh & Sham Lal's** cases (supra), this Court is of the view that no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No. 23 dated 16.05.2016, under Section 306 IPC, registered at Police Station, Mallanwala, District Ferozepur, is quashed with all consequential proceedings arising therefrom qua the petitioner.

The petition stands disposed of accordingly.

30.11.2016
ajp

(RITU BAHRI)
JUDGE

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