

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36470 OF 2015

DATE OF DECISION: August 12,2016

Harnek Singh

...Petitioner

versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

Present: Sh.A.S.Manaise, Advocate for the petitioner.
Mr.Jatinder Singh Riar, AAG, Punjab.
None for respondent No.2.

RITU BAHRI, J.(ORAL)

This is a petition under Section 482 CrPC for quashing of FIR No.177 dated 18.11.2014 under Sections 306,34 IPC registered at Police Station City Kharar, District SAS Nagar (Mohali) and subsequent proceedings arising therefrom, on the basis of compromise.

The present FIR was registered against the petitioner and Kamaljit Kaur on the allegations of abetment of suicide of complainant's wife Balwinder Kaur. In fact, the father of the petitioner, namely, Ujagar Singh left behind some property after his death. The said property was inherited by his two sons, namely, Amrik Singh and Harnek Singh (the present petitioner)

and two daughters, namely, Jasbir Kaur and Balwinder Kaur (deceased). The civil litigation, between the present petitioner and the deceased, is pending before the Civil Court at Kharar, wherein, an interim protection was issued restraining from raising any kind of construction over the specific portion of the suit property vide order dated 4.10.2014. On 18.11.2014, Balwinder Kaur consumed some poisonous substance. Resultantly, she died. The aforesaid FIR was registered by the husband of the deceased against the petitioner and his wife Kamaljit Kaur, who was the co-accused, also died leaving behind two minor children. With the intervention of the respectables, the parties have compromised the matter vide compromise deed Annexure P.2.

In response of the order dated 21.10.2015, status report has been received. Statements of the parties have been recorded, wherein, the complainant has specifically deposed that he has compromised the matter without any pressure, coercion or undue influence.

Keeping in view the fact that the petitioner is the real brother of the deceased and the fact that the wife of the petitioner has also expired and also the fact that the matter has been compromised between the parties, the present petition is allowed. Accordingly, the FIR No.177 dated 18.11.2014 under Sections 306,34 IPC registered at Police Station City Kharar,

District SAS Nagar (Mohali) and subsequent proceedings arising therefrom are quashed.

August 12, 2016
KD

(Ritu Bahri)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No