

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

**CRM-M-37203-2017
Date of Decision: 27.11.2017**

Kawaljit Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mohinder Kumar, Advocate,
for the petitioners.

Mr. A. S. Dhaliwal, DAG, Punjab.

Mr. Sunil Kumar, Advocate
for respondents No. 2 and 3.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 52 dated 22.05.2017, registered under Sections 306, 34 and 304-B (added later on) of the IPC at Police Station Maqboolpura, Police Commisionerate Amritsar, District Amritsar, and all subsequent proceedings arising therefrom in view of the compromise dated 12.09.2017 (**Annexure P-2**) entered into between the parties.

In brief, the facts are that the daughter of the complainant/respondent No. 2 Bimla Devi was married with the son of the petitioners herein, namely Birkramjit Singh, four months prior to the incident. It was alleged by the complainant in the FIR that the petitioners and their son used to harass and maltreat her daughter about which her

daughter informed her on many occasions but for the sake of matrimonial life of her daughter, she made her daughter understand and used to send her back to her matrimonial home. It was further alleged that on 21.05.2017 at about 10 O' clock, her daughter called her telephonically and told that her parents-in-law and her husband are quarreling and giving threats to kill her. On the same day at 11.30, her son-in-law Bikramjit Singh called her and told that Navpreet Kaur (daughter of the complainant) has hanged herself and they have brought her to Guru Ramdass Hospital, where she was declared 'dead'. Consequently, the aforesaid FIR came to be registered.

Appearance has been caused on behalf of the complainant. Learned counsel for the petitioners as well as counsel for the complainant jointly submit that since the parties have arrived at an out of Court settlement by way of compromise, the impugned FIR along with all subsequent proceedings arising therefrom are liable to be quashed.

The statement of the parties has been recorded before JMIC, Amritsar, wherein the complainant has admitted to the factum of the compromise and the JMIC, Amritsar has reported that the compromise arrived at between the parties is genuine and without any fear or coercion.

In normal circumstances, this Court would not entertain a matter arising out of Sections 306 or 304-B IPC. In the instant case, the offence complained of is under Sections 306 and 304-B IPC which is an offence of grave nature. In the eyes of law, such offence is serious and non-compoundable and the Courts should not in ordinary circumstances interfere and quash the FIR that has been registered.

In a judgment rendered by the Hon'ble Supreme Court in ***Narinder Singh and others vs. State of Punjab and another, 2014(6) SCC***

466, the Hon'ble Apex Court has laid down certain principles and guidelines which should be kept in mind while quashing of FIRs pertaining to non-compoundable offence. For ready reference paragraphs No. 29.2 and 29.5 are reproduced as under:-

“29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure :

(i) ends of justice, or

(ii) to prevent abuse of the process of any court. While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case.”

Therefore, while relying upon the ratio of the aforesaid judgment, this Court is of the view that the compromise, which has been entered into for quashing of an FIR registered under Sections 306 and 304-B IPC, should be accepted.

Consequently, in view of above, FIR No. 52 dated 22.05.2017, registered under Sections 306, 34 and 304-B (added later on) of the IPC at Police Station Maqboolpura, Police Commisionerate Amritsar, District Amritsar and all subsequent proceedings arising out of the same are quashed qua the petitioners.

The petition stands disposed of.

27.11.2017

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No