

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37957-2015

Date of Decision:- 09.02.2017

Harmesh Singh and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. S.S. Grewal, Advocate
for the petitioners.**

Ms. Manpreet Dhaliwal, AAG, Punjab.

**Mr. J.S. Khiva, Advocate
for respondent No.2.**

RITU BAHRI, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.82 dated 29.08.2013, under Section 306 IPC, registered at Police Station Sadar Mansa, on the basis of compromise dated 19.10.2015 (Annexure P-2).

Brief facts of the case are that the marriage of complainant's daughter Gurjit Kaur was solemnized with Harmesh Singh (petitioner No.1) on 04.12.2011, according to the customs. Out of the said wedlock, one son, namely, Gurnoor Singh was born. On 18.07.2013, petitioner No.1 had informed the complainant on telephone that her daughter Gurjit Kaur had

hanged herself and she had died. Thereafter, when complainant along with other family members had gone to village Dalel Singh Wala and last rites of cremation are ready at that time, they tried to check her dead body but the accused persons do not allow them. The FIR has been got registered by father of the deceased on the suspicion that her daughter had been murdered by the petitioners.

During the course of preliminary hearing, the trial Court, was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise dated 19.10.2015 (Annexure P-2), by way of order dated 05.11.2015, by this Court.

In compliance of order dated 05.11.2015 of this Court, the report of District & Sessions Judge, Mansa, dated 21.12.2015 has been received. As per report, the statements of all the concerned parties have been recorded and the complainant has no objection, if the present FIR registered against the petitioners is quashed. Statements of the petitioners and complainant have been recorded to the same effect.

Now the question for consideration would be that whether an offence under Section 306 IPC can be quashed on the basis of compromise.

Reference, at this stage, can be made a judgment of this Court in **Sham Lal and another Vs. State of Punjab and another, 2012(8) R.C.R. (Criminal) 432** whereby FIR has been registered under Section 306 IPC against the petitioners with the allegations that deceased had committed suicide as the petitioners had not returned his money which he has taken as

loan. Consequently, the proceedings initiated in the FIR were quashed on the basis of compromise as there was no abetment on the part of the petitioners.

Similarly, in the case of Sucha Singh and others Vs. State of Punjab and another, 2011(7) R.C.R. (Criminal) 2546, where a married woman committed suicide after about 14 years of her marriage. There was no instigation, no intentional aid or illegal omission on the part of the accused persons and the disputes had been amicably resolved and the FIR was quashed. It was further held that abetment under Section 107 IPC was not attracted. The meaning of word 'instigate' has been considered by Supreme Court in case Ramesh Kumar Vs. State of Chhatisgarh, 2001(4) RCR (Crl.) 537 where it has been held that "instigation is to goad, urge forward, provoke, incite or encourage to do 'an act'.

The Supreme Court in Sanju alias Sanjay Singh Sengar Vs. State of Madhya Pradesh, 2002(2) RCR (Criminal) 687, held that the deceased committed suicide on the third day of the quarrel after the accused told him to commit suicide cannot be held that the suicide was direct result of quarrel. There was enough time to the deceased to think over and reflect. Consequently, the accused was acquitted by the Court.

The Delhi High Court in Vishesh and another Vs. State (Govt. of NCT of Delhi) & another, 2015 (9) R.C.R. (Criminal) 734 on an occasion had considered the case of compromise quashing where the offence was under Sections 307 and 34 IPC. In that case no injury has caused to the victim and weapon of offence has not been recovered by the police. In that situation, the possibility of conviction is remote and bleak.

The accused remained in jail for 6-7 days. Therefore, in order to maintain

peace and harmony in locality and considering fact that continuation of criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between victim and wrongdoer. It is germane that criminal case is put to an end. Keeping in view the peculiar facts of the case and by referring to the judgment of Supreme Court in Gian Singh Vs. State of Punjab and another, 2012, 2 SCC (L&S) 998, the FIR was quashed by the Court while exercising the inherent powers conferred under Section 482 Cr.P.C.

In Nakul and another Vs. Puneet Kumar and another, 2016 (4) AD (Delhi) 320, the FIR registered against the petitioners under Sections 308 and 34 IPC was quashed on the basis of compromise. The offence punishable under Section 308 IPC is not compoundable being of serious nature, however, after considering the facts and circumstances of the case and in exercise of the inherent powers under Sections 482 Cr.P.C., the Court has accepted the compromise by following the guidelines laid down by Hon'ble the Supreme Court in case of Narinder Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466.

In Minakshi Kundu and others Vs. State (Govt. of Nct of Delhi) and another, 2016(1) AD (Delhi) 716, the FIR had been registered on account of scuffle between the parties regarding some property disputes. After filing the charge-sheet and before framing of charges, all the disputes were amicably settled between the parties. Consequently, in order to maintain peace between the parties, the proceedings initiated under Sections 435, 506 and 34 IPC were quashed on the basis of compromise.

In Jagmeet Singh Vs. State of Punjab and another, 2016(3)

R.C.R. (Criminal) 633, the FIR registered under Section 307 IPC was

quashed on the ground that there was no injury caused on the person of the complainant or the injured. As per opinion of doctor, no offence under Section 307 IPC was made out and at the most it was a case of offence under Section 325 IPC. The possibility of conviction after compromise was bleak and even after framing of charges, the proceedings can be quashed.

Consequently, in view of report of District & Sessions Judge, dated 21.12.2015 and after taking into consideration the facts of the present case, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.82 dated 29.08.2013, under Section 306 IPC, registered at Police Station Sadar Mansa and all consequential proceedings arising therefrom are hereby quashed, on the basis of compromise dated 19.10.2015 (Annexure P-2).

The present petition stands disposed of.

February, 09, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No