

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

**CRM-M-40691-2016
Date of Decision: 13.07.2017**

Anguri Devi & Another

...Petitioners

Versus

State of Punjab & Another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. A. K. Walia, Advocate,
for the petitioners.

Mr. M. S. Nagra, AAG, Punjab.

Mr. H. P. S. Chopra, Advocate,
for respondent No. 2.

JAISHREE THAKUR, J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 329 dated 16.09.2016, registered under Sections 304-B and 34 of the IPC at Police Station City Sangrur, and all subsequent proceedings arising therefrom in view of the compromise/affidavit dated 05.10.2016 (**Annexure P-2**) entered into between the parties.

2. In brief, the facts are that the daughter of the complainant was married with petitioner No. 2 herein on 17.04.2016. A quarrel took place between the deceased daughter of the complainant and her husband (petitioner No. 2). The deceased left her matrimonial home and went to her paternal home on 14.09.2016 and while at her paternal home, she committed suicide on 16.09.2016 which led to the filing of the aforesaid FIR.

3. The matter has been compromised and the complainant filed his affidavit stating that his daughter committed suicide by strangulation due to

her mental disturbance and that he did not want to pursue with the proceedings initiated under the FIR in question; and that it was only in a fit of anger he got the said FIR registered.

4. 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 to an out of Court settlement by way of compromise, the impugned FIR along with all subsequent proceedings arising therefrom are liable to be quashed.

5. The statement of the parties has been recorded before the Chief Judicial Magistrate, Sangrur, wherein the complainant has admitted to the factum of the compromise. As on date, no challan has been filed against petitioner No. 2-husband.

6. In normal circumstances, this Court would not entertain a matter arising out of Section 304-B IPC. In the instant case, the offence complained of is under Section 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.

7. 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.”

8. Even in a judgment rendered by the Hon'ble Supreme Court in *Madan Mohan Abbot vs State Of Punjab, 2008 (4) SCC 582*, it has been held that it is advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings. Relevant paragraph of the said judgment is reproduced herein below :-

“5. It is on the basis of this compromise that the application was filed in the High Court for quashing of proceedings which has been dismissed by the impugned order. We notice from a reading of the FIR and the other documents on record that the dispute was purely a personal one between two contesting parties and that it arose out of extensive business dealings between them and that there was absolutely no public policy involved in the nature of the allegations made against the accused. We are, therefore, of the opinion that no useful purpose would be served in continuing with the proceedings in the light of the compromise and also in the light of the fact that the complainant has, on 11th January 2004, passed away and the possibility of a conviction being recorded has thus to be ruled out.

6. We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.”

9. Therefore, while relying upon the ratios of the aforesaid judgments, this Court is of the view that the compromise, which has been entered into for quashing of an FIR registered under Section 304-B IPC, should be accepted.

10. Consequently, in view of above, FIR No. 329 dated 16.09.2016, registered under Sections 304-B and 34 of the IPC at Police Station City Sangrur and all subsequent proceedings arising out of the same are quashed qua the petitioners.

11. The petition stands disposed of.

July 13, 2017

Ansari

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No