

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

**Crl. Misc. No. M-8016 of 2016
Date of decision : 20.04.2017**

Baljinder Kaur and ors.Petitioners

versus

State of Punjab and ors. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. L.S. Bhangu, Advocate
for the petitioners

Mr. A.P.S. Gill, AAG, Punjab

Mr. Lalit Garg, Advocate
for respondent No. 4 and 5

RITU BAHRI, J. (Oral)

Quashing of FIR No. 17 dated 14.03.2015 under Section 306 IPC, registered at Police Station Banur, District Patiala, is being sought, on the basis of compromise deed dated 09.06.2015 (P-2).

The allegations in the F.I.R are that Ram Saran (brother-in-law) of the complainant consumed poisonous substance after being fed up from his wife Baljinder Kaur @ Bholi and from the members of his in-laws. Thereafter, he died in the hospital.

However, at the stage of investigation, the matter has been duly compromised between the parties, vide compromise deed dated 09.06.2015 (Annexure P-2).

In compliance of order dated 27.02.2017, report dated 17.03.2017 of Judl. Magistrate 1st Class, Rajpura has been received in this regard. As per report, statement of parties have been recorded. The

complainant and Joginder Kaur stated that the matter stands compromised between the parties and they do not want to proceed further against the accused and has no objection, if the present F.I.R be quashed against the petitioners. The compromise has been entered voluntarily. To the same effect is the joint statements given by petitioners.

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, mother of the deceased has made her statement that she has compromised the matter and has no objection in

quashing of the FIR.

Keeping in view the above status report dated 17.03.2017, the present petition is allowed and FIR No. 17 dated 14.03.2015 under Section 306 IPC, registered at Police Station Banur, District Patiala is quashed along with all consequential proceedings qua petitioners, in view of the judgment of the Hon'ble Supreme Court in cases **Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429 and** the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (Crl.) 1052** and the judgment passed in **Sucha Singh's case (supra)**, no useful purpose would be served in prolonging the litigation.

20.04.2017
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>