

264.

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

CRM-M-27476-2018

Date of decision:10.09.2018.

SWARAN SINGH

... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Balbir Singh Jaswal, Advocate,
for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab, for respondent No.1.

Mr. Ankush Thakral, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.011 dated 04.05.2018 registered under Section 306 IPC at Police Station Mattewal, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 22.05.2018 (Annexure P-2).

Vakalatnama filed on behalf of respondent No.2 in court today, is taken on record.

As per the FIR which was registered at the behest of Narinder Kaur, her husband (Malkiat Singh) had taken Rs.40,000/- from Swaran Singh son of Sarain Singh (petitioner herein). On 04.05.2018 at about 10 AM, petitioner came to her house and started shouting for not returning the

money and abused her. At about 11 AM when her husband came back, the complainant told him everything. Thereafter her husband took his motorcycle and left the house. He came back after 15-20 minutes and started vomiting. The complainant asked what has happened to him. He replied that mosquito hit on his face and he asked the complainant to prepare a cup of tea. However, when she started preparing tea, she noticed that her husband had fallen down. She put him on a bed. Her brother-in-law came there & enquired what has happened to him. Then Malkiat Singh (deceased) replied that he has taken celphos tablets and thereafter, he was taken to Taj Hospital, Mattewal, but he died.

Learned counsel for the petitioner has argued that apart from the fact that there is no abetment on the part of the petitioner compelling the deceased to commit suicide, even otherwise the matter has been compromised between the parties.

Learned counsel appearing on behalf of respondent No.2-complainant also states that the matter has been compromised between the parties. The statement of complainant-Narinder Kaur made before learned Magistrate on 08.08.2018 with regard to compromise reads as under:-

“The present case has been registered on my statement against Swaran Singh s/o Sarain Singh, resident of village Athwal, Tehsil Baba Bakala Sahib, District Amritsar. Now the matter has been compromised with above said accused with intervention of respectable persons of the village. I do not want to take further action against the accused person. I do not want to proceed further with the said FIR against the accused person. I have no objection if the FIR No.11/2018 u/s 306 IPC, P.S. Mattewal and subsequent proceedings arising out of said FIR registered at Police Station Mattewal is quashed by the Hon'ble High Court. This compromise is genuine, voluntarily and without any coercion or undue influence. No accused has been declared as proclaimed offender in this case. No any other case is pending against either of me or accused

party. I have made this statement out of my free will and without any threat or pressure. ”

Learned State counsel, on instructions from ASI Jasbir Singh, states that though the matter has been compromised, but it being a case registered under Section 306 IPC, FIR cannot be quashed by way of compromise as the offence is non-compoundable.

I have heard learned counsel for the parties.

Although, offence under Section 306 IPC is non-compoundable, however, since the complainant himself had stated in the compromise deed that it was only out of shock that she had lodged an F.I.R. against the petitioner, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, this petition is allowed and F.I.R. No.011 dated 04.05.2018 registered under Section 306 IPC at Police Station Mattewal, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 22.05.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

10.09.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No