

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 41271 of 2017 (O&M)

Date of decision : 26.3.2018

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Daljeet Kaur and others

.....Petitioners

vs.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Amit Arora, Advocate
for the petitioners.

Mr. Rakeshinder Singh Sidhu, Assistant Advocate General,
Punjab.

Mr. Parminder Singh Kanwar, Advocate for respondent No.2

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H. S. Madaan, J.

Petitioners – Daljeet Kaur and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 141 dated 6.9.2017, for an offence under Section 306 IPC, registered at Police Station Lopoke District Amritsar Rural, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Jaspal Kaur - arrayed as respondent No.2.

When the petition came up for hearing on 8.1.2018, notice of motion was ordered to be issued. The respondent No. 1 - State of

Punjab through State counsel, whereas respondent No.2 through Mr. P.S. Kanwar, Advocate, had put in appearance. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the Illaqa Magistrate to get their statements recorded with regard to compromise and the Illaqa Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Ajnala, in terms of which complainant Jaspal Kaur and accused, namely, Daljet Kaur, Balwinder Kaur and Jagtar Singh, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence. Further complainant has stated that she has no objection if the FIR in question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Alongwith the report statement of the complainant and all the accused, in original, have been annexed.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

The F.I.R. in this case was recorded on the basis of statement of complainant Jaspal Kaur, wife of Baldev Singh of Jatt community, resident of village Wani ke Police Station Lopoke, aged about 50 years in which she stated that her elder son Angrej Singh had got married earlier but that marriage was dissolved by way of Panchayati divorce. Subsequently Angrej Singh performed marriage with Daljit

Kaur daughter of Jagtar Singh, resident of village Kalas, Police Station Sarai Amanat Khan, District Tarn Taran. However, the spouses used to quarrel with each other and about 5-6 days prior to the incident, Daljit Kaur had gone to her parental home; that on 5.9.2017, Daljit Kaur, her father Jagtar Singh and mother Balwinder Kaur came to the matrimonial home in afternoon time and quarreled with Angrej Singh stating that he was not having property in his name and he should either get property in his name or in the name of Daljit Kaur and they took Daljit Kaur back. Thereafter, Angrej Singh felt disturbed and consumed Celphos tablets. Though he was taken to hospital but he died. She stated that the reason to suicide of Angrej Singh was that he was fed up with the attitude of his wife Daljit Kaur, mother-in-law Balwinder Kaur and father in law Jagtar Singh.

Learned counsel for the petitioners has referred to various judgments passed by coordinate Benches of this Court in support of his contention that an F.I.R. for offence under Section 306 IPC can be quashed on the basis of compromise.

It is debatable as to whether the Acts attributed to the accused in the F.I.R. come within the definition of abatement. Since quarrel between the spouses generally take place as a result of normal wear and tear of the married life and parents of the girl do intervene to persuade the spouses to live together in a happy manner. The compromise would help the parties to keep harmony and peaceful in future.

The matter having been compromised between the parties. There are little chances of the trial ending in the conviction.

In *Madan Mohan Abbot versus State of Punjab 2008(2)*

RCR (Criminal) 429, it was observed as under :-

“6. We need to emphasise 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 utilised 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.”

The dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “*finest*”

hour of justice”.”

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law. Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which can effect the inherent power of High Court under Section 482 Cr.P.C.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C, it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings are hereby quashed.

26.3.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No