

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

CRM-M-43015 of 2016

Date of decision:- 01.03.2018

Neeru and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Narender Kaajla, Advocate
for the petitioners.

Mr. Vikramjeet Singh, AAG, Haryana.

Mr. Dinesh Mahajan, Advocate for
Mr. Rimple Saini, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition is filed praying for quashing FIR No.251 dated 01.10.2013, under Sections 306, 506 and 34 of IPC, registered at Police Station Adampur, District Hisar on the basis of compromise entered into between the parties.

2. The brief facts of the case are that marriage of petitioner No.2 was solemnized with respondent No.2 on 30.03.2012. The married life of the petitioner No.2 and respondent No.2 was going smoothly. Suddenly, some misunderstanding arose between them and the parents of the respondent-complainant committed suicide on 26.07.2013 by

consuming some poisonous substance. Thereafter, complainant-respondent No.2 lodged an FIR No.251 dated 01.10.2013 under Section 306, 506 and 34 of the Indian Penal Code at police station Adampur, District Hisar against the petitioners. Petitioner No.2 had also lodged an FIR bearing No. 903 dated 30.07.2013 registered under Sections 406, 498-A, 506, 323 and 34 of the Indian Penal Code at police Station, Hisar against the respondent No. 2 and his parents.

3. It has been pointed out by learned counsel for the petitioners that in FIR No.903 dated 30.07.2013 respondent No.2 was convicted by learned Judicial Magistrate 1st Class, Hisar vide judgement dated 06.10.2015 and has been released on probation vide order dated 08.10.2015. It has further been stated that an appeal against the said judgement and order has been preferred and the same is pending before the learned Additional Sessions Judge, Hisar.

4. Heard both sides and perused the paper book.

5. Both the parties were directed by this Court vide order dated 15.02.2018 to appear before the learned trial Court and get their statements recorded and in pursuance thereof, learned Additional District and Sessions Judge, Hisar recorded the statements of both the parties and submitted a report dated 23.02.2018. Statement of complainant-Vinod Kumar reads as under:

'Stated that I have compromised the matter with all the accused persons amicably. Now I have no grudge against them. My compromise with accused persons is genuine, voluntary and without any

coercion or undue influence. I do not want to proceed further with the present case against the accused persons. I have no objection if present FIR be quashed against accused persons.'

A perusal of the report dated 23.02.2018 reveals that the compromise entered into between the parties is genuine and without any pressure, coercion, undue influence or inducement from any quarter and relevant part reads as under:

'Moreover, I have personally interacted with all the persons i.e. complainant Vinod and accused, present before me, one by one, to which they have stated with affirmation that they have compromised the matter with each other; that the compromise is genuine, voluntary and without any coercion or undue influence. Though complainant Vinod, who earlier appeared before the Court as PW1 had supported the prosecution case but now he has suffered statement to the effect that he has no objection if present FIR be quashed. Thus, on the basis of statements as well as my personal interaction with the persons involved in the present case and present before me, it can be safely said that all compromise arrived at between the parties is genuine, voluntary, without any coercion or undue influence.'

Even as on today also the parties are not disputing the factum of compromise arrived at between them.

6. On instructions from SI Suraj Mal, no objection has been raised by the learned State counsel on a specific query put to him by the Court with regard to quashing of the FIR as well as all other consequential proceedings on the basis of the compromise effected between the parties in this case.

7. This Court in the case of *Gurpreet Singh v State of Punjab and another* (CRM M 35576 of 2009, decided on 20.01.2010) accepted the compromise and quashed the FIR under Section 306 IPC, by holding as under:-

“7. Keeping in view the ratio of law laid down in Kulwinder Singh's case (Supra) and applying the same to the facts and circumstances of the instant case, in my considered opinion, once the matter has been compromised by the parties, no useful purpose shall be served by proceeding with the prosecution, as that would amount to sheer wastage of the time of the Court; harassment to the parties; and abuse of the process of Court. Even otherwise, the compromise is neither abhorrent to lawful composition of the society nor would it promote savagery.

8. In view of the above, the petition is accepted. Consequently, FIR No. 11 dated 02.02.2008 under Section 306 and 309 IPC P S Kurali, SAS Nagar and all the consequential proceedings arising therefrom are quashed.”

8. In view of the above, this Court is satisfied that the offence is personal in nature and does not affect the public peace and tranquility. Thus, quashing of the FIR etc. would be in the interest of justice as well as to bring the peace and harmony to both the parties. Since, the dispute between the parties has been amicably settled and they have already

entered into compromise, and the fact that no objection has been raised by the learned State counsel, continuance of the prosecution would be an exercise in futility. Therefore, the aforesaid FIR and all consequent proceedings resulting therefrom are quashed and set aside.

8. Petition is allowed.

March 01, 2018
rashmi

(MAHABIR SINGH SINDHU)
JUDGE

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