

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

CRM-M-48083-2017

Date of decision:- 22.02.2018

Rajpal Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. GBS Dhillon, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

Mr. Amandeep Singh, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition is filed praying for quashing FIR No.40 dated 25.07.2017, under Section 306 IPC, registered at Police Station City Banga, District SBS Nagar, on the basis of compromise entered into between the parties.

2. Heard.

3. This Court while issuing notice of motion on 25.01.2018 passed the following order: -

“Reply by way of affidavit filed on behalf of respondent No.2 today in the Court and the same is taken on record. A copy

thereof has been supplied to opposite counsel.

It has been pointed out that both the parties have compromised the matter.

Even learned State counsel has also stated that as per FSL report the signatures of the deceased are not tallying on the suicide note.

On request, adjourned to 22.02.2018.

Parties are directed to appear before the Court of Illaqa Magistrate/trial Court on 15.02.2018 to get their statements recorded with regard to compromise/settlement. The Illaqa Magistrate/trial Court is directed to submit a report to this Court on or before the next date of hearing containing the following information:-

- i. Number of persons arrayed as accused in FIR.
- ii. Whether any accused is proclaimed offender.
- iii. Whether the compromise is genuine, voluntary and without any coercion or undue influence.”

4. Perusal of the order dated 25.01.2018 reveals that learned State counsel has pointed out that as per FSL report the signatures of the deceased are not tallying on the suicide note, therefore, prima facie, offence under Section 306 IPC is not made out. In pursuance of order dated 25.01.2018, learned Judicial Magistrate 1st Class, Shaheed Bhagat Singh Nagar, recorded the statements of both the parties and submitted a report dated 16.02.2018.

5. A perusal of the report reveals that the compromise entered into between the parties is genuine, voluntary, without any coercion and without any undue influence and relevant part reads as under:-

“It is submitted that FIR in the said case was registered on the statement of complainant Joginder Singh on 26.07.2017 under Section 306 of IPC at P.S. City Banga, SBS Nagar. However, with the intervention of the respectable persons from both the parties a

compromise has been effected between them. Statement of the accused has been separately recorded regarding the compromise. Statement of the complainant Joginder Singh has also been recorded to that effect. A written compromise dated 04.12.2017 Ex.C-1 has also been submitted. At present, as per the statement made by the above said Joginder Singh, he has no objection if the accused is acquitted from the charges framed against him. As per the statements so recorded by both sides, it can be deducted that the compromise is genuine, voluntary, without any coercion and without and undue influence and the same has been effected with the free will and consent of the parties. They have been identified by their respective counsels. The statements of both the parties along with compromise deed dated 04.12.2017 Ex.C-1 is enclosed herewith for kind perusal.”

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

6. Learned State counsel, on instructions from Investigating Officer, submits that even the final report under Section 173 Cr.P.C. has not been submitted in this case. On a specific query put to him, he states that he has no objection 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 the present matter.

7. This Court in the case of **Gurpreet Singh Vs. State of Punjab and another** (CRM-M-35576-2009, 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 and even FSL report also does not support the prosecution case, continuance of the prosecution would be an exercise in futility. Therefore, the aforesaid FIR and all consequent proceedings resulting therefrom, qua petitioner, are quashed.

9. Petition is allowed.

February 22, 2018
naresh.k

(MAHABIR SINGH SINDHU)
JUDGE

Whether reportable?	Yes
Whether reasoned/speaking?	Yes