

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123+253

CRM No.1802-2019 in/and
C.R.M-M No.12998 of 2016 (O&M)
Date of Decision : 14.02.2019

Sukhwinder Kaur and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. G.P.S. Bal, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

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

AJAY TEWARI, J. (ORAL)

CRM-1802-2019

For the reasons recorded, the application is allowed.

Documents Annexures A-9 and A-10 are taken on record.

CRM-M-12998-2016 (O&M)

This petition has been filed for quashing of FIR No.64 dated

27.05.2015, registered under Section 306 IPC at P.S. Civil Lines, Batala,

District Batala on the basis of compromise effected between the parties alongwith all consequential proceedings arising therefrom.

On 21.04.2016, the following order was passed:-

“ Prayer in the present petition under Section 482 Cr.PC is for quashing of FIR No.64 dated 27.05.2015 for offences punishable under Sections 306 IPC registered with Police Station Civil Lines, Batala, District Batala on the basis of compromise dated 01.04.2016 (Annexure P-2).

Notice of motion for 24.05.2016.

In the meanwhile parties are directed to appear before Illaqa Magistrate/Duty Magistrate concerned to get their statements recorded with regard to compromise. Learned Illaqa Magistrate/Duty Magistrate concerned is directed to record the statements of both the parties to its satisfaction to verify the validity and genuineness of the compromise effected between the parties and and submit a report to this Court before next date of hearing. Court concerned shall also furnish information as to whether any other case is pending against accused and that accused ever declared PO in the present case, or not.

The Statements of the parties, however, shall be permitted to be recorded on payment of costs of Rs.5,000/- by the petitioners with District Legal Services Authority, Batala.

To be shown in urgent.”

Thereafter, the report of the Judicial Magistrate Ist Class dated 20.05.2016 has been received. In the report, he has mentioned that the aforesaid parties have appeared before him and has attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure.

The Hon'ble Supreme Court in **Kulwinder Singh vs. State of**

Punjab, reported as 2007(3) Law Herald 2225, **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society.

At one stage, this Court had desired the State to file reply as to whether compromise could be effected in Section 306 IPC. Reply has been filed by the State as per which the FIR cannot be quashed on the basis of compromise in Section 306 IPC. Counsel for the petitioners has relied upon catena of judgments of the Supreme Court some of which are *State of Kerala and Others vs. S. Unnikrishnan Nair and others*, 2015 AIR (SC) 3351, *Vaijnath Kondiba Khandke vs. State of Maharashtra and another*, 2018(3) RCR (Criminal) 133 and *Netai Dutta vs. State of West Bengal*, 2005 AIR (SC) 1326 to contend that allowing the proceedings under Section 306 IPC shall only result in wastage of time.

Learned Sr. Deputy Advocate General has not been able to cite any contrary judgment.

In view of the above judicial pronouncement, I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua

petitioner.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

February 14, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No