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

CRM-M-21597-2018 (O&M)

Date of decision: 10.01.2019

SANJEEV KUMAR AND ORS.

...Petitioners.

Versus

STATE OF HARYANA AND ANR.

...Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- None for the petitioners.

Ms. Priyanka Sadar, AAG, Haryana,
for respondent No.1.

None 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.266 dated 01.10.2017 registered under Section 306 IPC at Police Station Chandimandir, Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 09.05.2018 (Annexure P-2).

This Court vide order dated 16.11.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned District and Sessions Judge, Panchkula and got their statements

recorded. On the basis of the statements so recorded, learned Sessions Judge has submitted report dated 04.12.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, out of their free will, without any kind of threat, coercion, undue pressure or inducement from any quarter/persons.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Balu Ram, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 04.12.2018. The same is reproduced as under:-

“Stated that my niece Suman Devi (deceased) daughter of my brother late Shri Mam Raj was got married to Sanjeev Kumar (accused) about 10/11 years ago. Out of said wedlock, two daughters and one son were born. On 1.10.2017, I came to know that my niece committed suicide on 30.9.2017 along-with her son Aditya by jumping into the pond constructed near the village. Regarding the same, I had made the complaint to the police alleging that my niece committed suicide on account of being fed up due to the continuous harassment given by accused Sanjeev Kumar, Kashmiri Devi and Nimbo Devi. Pursuant to the complaint made by me, the police registered the case vide FIR No.266 dated 1.10.2017, under Section 306 of IPC, PS Chandimandir, against accused Sanjeev Kumar, Kashmiri Devi and Nimbo Devi (now present in the court) and further necessary action was taken by the police and accordingly, challan was submitted in the court on conclusion of the investigation of this case.

However, on inquiry made by me and my relatives and further with the intervention of respectables of the village and

family members/relatives, I came to know that death of my niece Suman Devi occurred on account of an accidental fall of her son into the pond and while my niece Suman Devi when jumped into the pond to save her son, then unfortunately both got drowned into the pond. On the day of Bhog, Ranbir Singh son of Shri Som Nath, resident of Village Turon, disclosed to me the above facts as regard the cause of death of my niece Suman Devi and her son Aditya. On further inquiry made by me from the villagers of village Turon (the matrimonial village of my niece), I came to know that my niece was kept well by her husband and other members of in-laws. The statement made by me on the basis of which FIR was registered was result of misunderstanding. I am fully satisfied that my niece Suman Devi and her son Aditya died due to drowning and the accused persons facing trial in the court had no hand in the death/suicide of Suman Devi and her son. A written compromise dated 30.10.2017 in this regard was arrived at voluntarily between me and Sharwan Singh (father of accused Sanjeev Kumar, husband of Kashmiri Devi and father-in-law of accused Nimbo Devi), without any coercion or pressure and without any undue influence from any corner/person. The contents of the compromise are read over to me and it was the same compromise which was entered into between me and Sharwan Singh. I accept the contents of the compromise as correct. On the compromise, my thumb impressions were taken. The photocopy of compromise is Mark-A. It was genuinely entered into by me and Sharwan Singh.

The accused Sanjeev Kumar, Kashmiri Devi and Nimbo Devi filed a petition under Section 482 Cr.P.C., bearing CRM-M-37651-52-2018 in CRM-M-21597-2018 in the Hon'ble High Court of Punjab and Haryana, for quashing of the criminal proceedings in the present FIR on the basis of compromise as entered into between me and Sharwan Singh on behalf of all the accused persons.

C.Q. Whether have you entered into a compromise Mark-A with accused Sanjeev Kumar, Kashmiri Devi and Nimbo Devi voluntarily, without any pressure and with full understanding and genuinely?

Ans. Yes, I entered into the compromise Mark-A voluntarily, without any pressure and with full understanding with the accused. The compromise Mark-A is genuine.

C.Q. Whether have you made above said statement with full understanding and without any coercion or pressure from any corner?

Ans. I have made the above statement today in the court with full understanding and without any coercion and pressure from any corner/persons.”

Apart from above, similar statements have been Jasbir Singh, Gurdial Singh, Gurjant Singh and Jai Singh, whereby they have stated that the compromised effected between the parties is correct and genuine.

Learned State counsel has not disputed the factum of compromise between the parties.

In view of the above, 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.266 dated 01.10.2017 registered under Section 306 IPC at Police Station Chandimandir, Panchkula (Annexure P-1) and all subsequent proceedings arising therefrom are quashed

qua the petitioners on the basis of compromise dated 09.05.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

10.01.2019

sanjeev

Whether speaking/reasoned Yes/No.

Whether Reportable: Yes/No.