

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CRM-M-7934-2018 (O&M)

Date of decision: 04.07.2019

Pooja and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Arpandeeep Narula, Advocate
for the petitioners.

Mr. Kuldeep Tiwari, Addl. AG, Haryana.

Mr. Yashvardhan Sharma, Advocate, for
Mr. Rohit Rana, Advocate
for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

Learned counsel for the State objects to the quashing of FIR on the basis of compromise on the ground that the offence is not compoundable even with the permission of the Court and the Court should not quash the FIR.

With the able assistance of learned State counsel, this Court has gone through the FIR. The husband-Subhash had committed suicide on account of assault and harassment of his in-laws including wife. However, there are no allegations in the FIR which may fall within the scope of Section 306 of the Indian Penal Code. The abetment to commit offence has been defined in Section 107 of the Indian Penal Code and in this case, ingredients of Section 107 are missing. In any case, the parties have

resolved their dispute and want to forget the incident and start with a new life.

The petitioners have approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking its inherent jurisdiction for quashing of FIR No.360 dated 26.05.2016 registered under Sections 306, 34 of the Indian Penal Code (for short 'IPC'), at Police Station Sirsa City, District Sirsa and the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Notice of motion was issued.

In compliance of the order dated 26.02.2018 passed by this Court, the parties got their statements recorded before the learned trial Court. Consequently, a report dated 03.01.2019 sent by the Additional Sessions Judge, Sirsa, has been received which is available on record of the case along with the statement of the parties. Learned Judge has reported that the parties have made their statements voluntarily and without any pressure. The compromise arrived at between the parties has been found to be a genuine one.

Learned counsel for the petitioners as well as learned counsel for the State are ad idem that none of the petitioners is proclaimed offender.

After hearing learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482, Cr.P.C. so as to secure the ends of justice because the parties have arrived at an out of Court settlement by way of compromise (Annexure P-2). The compromise is without any pressure and a genuine

one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

For the aforesaid view, this Court finds support from Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052, approved by Hon'ble Apex Court in Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.360 dated 26.05.2016 registered under Sections 306, 34, IPC, Police Station City Sirsa, District Sirsa and the subsequent proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

04.07.2019

D.Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No