

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

227

**CRM-M-47039 of 2019  
Date of Decision : 04.12.2019**

Sonia and others

.....Petitioners

V/S

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Sandeep Gors, Advocate  
for the petitioners.

Mr. Sandeep Singh Deol, D.A.G. Punjab  
for respondent No.1-State.

Mr. Sourabh Arora, Advocate  
for respondent No.2-complainant.

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**ARUN KUMAR TYAGI,J. (ORAL)**

Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') is for quashing of FIR No.60 dated 08.07.2019 registered under Section 306 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station GRP, Amritsar (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 23.10.2019 (**Annexure P-2**).

The above said FIR was registered on statement of Pankaj Kumar brother of deceased-Papil Kumar @ Vicky in which Pankaj Kumar alleged that his brother Papil Kumar was married with accused Sonia who used to keep quarrelling with him. Papil Kumar @ Vicky was harassed and humiliated by his maternal uncle-in-law Bhupinder, father-in-law Subhash Chand, mother-in-law Kiran Jyoti, sister-in-law

Payal Mahajan, Co-brother (Sadhu) Sumit Banga and cousin of his wife-Rajnish and Niranjana. Due to harassment Papil Kumar @ Vicky committed suicide by jumping in front of the running train at Down Line KM No. 509/11-13 near Shivala Phatak. Suicide note in the handwriting of the deceased was recovered from the pocket of his shirt. In the suicide note, the deceased had mentioned that his wife Sonia, his father-in-law Subhash Chand, mother-in-law Kiran Jyoti, Co-brother (Sadhu) Sumit Banga, sister-in-law Payal Mahajan, maternal uncle-in-law Bhupinder and cousin of his wife-Rajnish and Niranjana and one Jassi were responsible for his death. On investigation the police filed report under Section 173(2) of the Cr.P.C. against the petitioners and found others to be innocent.

The petitioners have filed the present petition for quashing of the FIR on the grounds that now with the intervention of respectables, the matter has been amicably compromised between the parties.

This Court, while issuing notice of motion on 13.11.2019, passed the following order:-

*“Learned Counsel for the petitioners while referring to Annexure P-2 has contended that a compromise has been effected between the parties and prayed for quashing of FIR No.60 dated 08.07.2019 registered under Section 306 of the Indian Penal Code, 1860 at Police Station GRP, Amritsar and all subsequent proceedings arising therefrom.*

*Notice of motion for 04.12.2019.*

*On the asking of the Court, Mr. Arun Kaundal, DAG, Punjab accepts notice on behalf of respondent No.1-State.*

*At this stage, Mr. Saurabh Arora, Advocate has appeared on behalf of respondent No.2 and admits the factum of compromise.*

*Copies of the paper book supplied to the learned*

*Counsel for the respondents.*

*Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 21.11.2019 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing containing the following information :-*

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. Current stage of the case.*

*The trial Court is further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

*Trial Court/Illaq Magistrate is also directed to send the report in time so as to reach this Court before the date of hearing fixed.”*

In terms of aforesaid order, learned Chief Judicial Magistrate, Amritsar has recorded the statements of both the parties and submitted report dated 27.11.2019. The relevant part of the same reads as under:-

*“..... in compliance of order dated 13.11.2019 of Hon'ble High Court passed in CRM-M No.47039 of 2019, titled as 'Sonia & others Vs. State of Punjab & another' petitioners Ms. Sonia daughter of Sh. Subhash Chander, Sh. Subhash Chander son of Sh. Gopal Krishan and Ms. Kiran Jyoti wife of Sh. Subash Chander as well as respondent Sh. Pankaj Kumar son of Sh. Narinder Kumar recorded their statements before this court on 22.11.2019 with regard to their compromise. Complainant Sh. Pankaj Kumar has stated that he has got registered FIR No.60 dated 08.07.2019 under Section 306 of IPC, Police Station GRP, Amritsar against the accused and now with the intervention of respectable persons, he has arrived at a compromise with the said accused voluntarily and without any kind of threat, fear or pressure.*

*Statement of Investigation officer SI Ashok Kumar has also been recorded who has stated that there are nine accused namely Ms. Sonia, Sh. Subash Chander, Ms.*

*Kiran Jyoti, Sh. Rajnish Gupta, Ms. Payal Mahajan, Sh. Bhupinder, Sh. Sumit Bagga, Sh. Naranjan and Sh. Jaswinder Kumar and one complainant namely Sh. Pankaj Kumar in the FIR. During the investigation, accused Ms. Payal Mahajan, Sh. Sumit Bagga, Sh. Bhupinder Kumar, Sh. Jaswinder Kumar, Sh. Rajnish Gupta and Sh. Naranjan were found innocent. None of the accused has been declared Proclaimed offender. Except this FIR, there is no other case is pending against the accused. Challan against accused Ms. Sonia, Sh. Subash Chander and Ms. Kiran Jyoti has been committed to the Court of Session and is pending for 12.12.2019 for consideration on charge.*

*Hence, report on the information sought by Hon'ble High Court is submitted as under:-*

- 1. Number of persons arrayed as accused in FIR.  
There are nine persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender.  
None of the accused has been declared as proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.  
From the statements of the petitioner/accused and the complainant/respondent, this court is of the opinion that their compromise is genuine and voluntary and is without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case of not.  
None of the accused is involved in any other case.*
- 5. Current stage of the case.  
The challan has been committed to the Court of Session and fixed for 12.12.2019 for consideration on charge.*

*The report as well as statements of the parties are submitted for kind perusal of the Hon'ble High Court."*

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Learned State Counsel has no objection in case the aforesaid FIR along with all subsequent proceedings arising therefrom is quashed on the basis of the compromise effected between the parties in this case.

It is now well settled that the High Court has inherent power to quash the criminal proceedings in non-compoundable cases on the basis of settlement between the parties for securing the ends of justice or to prevent abuse of the process where the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case. Criminal cases having overwhelmingly and predominantly civil character particularly those arising out of commercial transaction or arising out of matrimonial relationship or family dispute can be quashed when the parties have resolved their entire dispute among themselves. However, such power cannot be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape dacoity, etc. which are not private in nature and have a serious impact on society. Similarly, prosecution for offences alleged to have been committed under special enactments like the Prevention of Corruption Act or the offences committed by public servant while working in that capacity cannot be quashed on the basis of compromise between the victim and the offender. For judicial precedents in this regard, reference may be made to **Narinder Singh Vs. State of Punjab (Supreme Court) : 2014 (2) RCR (Criminal) 482; State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019(2) RCR (Criminal) 255 and Kulwinder Singh and others Vs. State of Punjab and others (Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052.**

In the present case, petitioners-Sonia, Subhash Chander and Kiran Jyoti were charge-sheeted by the SHO Police Station GRP Amritsar to face trial under Section 306 of the IPC. The offence involved is of private nature. The parties have compromised. In the case, report under Section 173(2) of the Cr.P.C. has been presented in the Court but the case is at the initial stage as charge has not been framed.

In view of the facts and circumstances of the case the possibility of conviction under Section 306 is remote and bleak and continuation of this case will put the petitioners to great oppression and extreme injustice will be caused to the petitioners if the FIR and all consequential proceedings are not quashed. Therefore, FIR No.60 dated 08.07.2019 registered under Section 306 of the IPC at Police Station GRP, Amritsar (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

The petition is allowed accordingly.

**04.12.2019**

Kothiyal

**(ARUN KUMAR TYAGI)**  
**JUDGE**

Whether speaking/reasoned                      Yes/No

Whether reportable                                  Yes/No