

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19982-2019

Date of Decision: 17.02.2020

Manohar Lal

.. Petitioner

Vs.

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Tarun Singla, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.0440 dated 14.12.2016, under Sections 498-A, 304-B IPC read with Section 34 IPC, 1860, registered at Police Station Sadar Tohana, District Fatehabad (Annexure P-1) on the basis of compromise deed 18.02.2019 (Annexure P-2).

The FIR was registered on the statement of Sham Lal s/o Uttam Chand, wherein it was stated that he has five children and marriage of his younger daughter Reena was solemnized on 10.03.2016 with Manohar Lal s/o Gangu Ram as per Hindu rites. After 10-15 days of her marriage, her in-laws started harassing and beating her on account of non-fulfillment of demand of motor cycle. On account of which, her daughter came to her parental house and started residing there. After 20 days, he gave ₹30,000/- to her daughter and sent back to her in-laws house. Despite that, her in-laws were not happy and they again started harassing her daughter for want of dowry. On 14.12.2016, complainant received a call that his daughter Reena had died. On receiving call, the complainant along with his son Bhim Singh

and Mahender Singh reached to the house of daughter Reena at Akawali and dead body of his daughter Reena was lying in the varandha of the house and there were marks of contusion on her neck. He alleged that his daughter has been killed due to non fulfillment of demand of dowry by her husband Manohar Lal, father-in-law Gangu Ram, brother-in-law Major Singh and mother-in-law Kali Rani.

Learned counsel for the petitioner refers to Annexure P-2 to contend that the compromise has been arrived at between the parties with the intervention of the respectables and the dispute has been amicably settled.

After hearing learned counsel for the petitioner, this Court finds that the solitary ground of compromise raised in the petition is not worth acceptance. At this stage, it will be useful to refer the decision in “***The State of Madhya Pradesh Vs. Laxmi Narayan and others***”, 2019 AIR (SC) 1296, the Hon'ble Supreme Court has laid down the principles for quashing of the criminal proceedings in non-compoundable offences by exercising inherent powers under Section 482 Cr.P.C. The relevant portion of the judgment is extracted below:

“However, the High Court has not at all considered the fact that the offences alleged were non-compoundable offences as per Section 320 of the Cr.P.C., 1973 from the impugned judgment and order, it appears that the High Court has not at all considered the relevant facts and circumstances of the case, more particularly the seriousness of the offences and its social impact. From the impugned judgment and order passed by the High Court, it appears that the High Court has mechanically quashed the FIR, in exercise of its powers under Section 482 Cr.P.C., 1973 the High Court has not at all

*considered the distinction between a personal or private wrong and a social wrong and the social impact. As observed by this Court in the case of **State of Maharashtra v. Vikram Anantrai Doshi, 2014 (4) R.C.R (Criminal) 381: (2014) 15 SCC 29**, the Court's principal duty, while exercising the powers under Section 482 Cr.P.C., 1973 to quash the criminal proceedings, should be to scan the entire facts to find out the thrust of the allegations and the crux of the settlement. As observed, it is the experience of the Judge that comes to his aid and the said experience should be used with care, caution, circumspection and courageous prudence."*

In the case of **Gian Singh V. State of Punjab 2012(4) R.C.R. (Criminal) 543: (2012) 10 SCC 303**, the Apex Court has observed and held as under:

"The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of

mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences."

From the aforesaid observations of Hon'ble the Apex Court, it is apparent that the offences with serious magnitude and gravity, having a serious impact on the society, have been excluded from the purview of powers to be exercised under Section 482 Cr.P.C.

In the present case, the petitioner, who is husband of deceased Reena, is facing trial for having caused the dowry death of Reena, who died unnatural death in her matrimonial home within a short span of just 9 months of her marriage. The trial is going on against the petitioner before the Court below and it is for the trial Court to evaluate the material/evidence on record led during trial. At this juncture, this Court refrains to delve too deep into the question, whether the hostility of complainant towards prosecution case alone would result into acquittal of the accused or not.

Considering the seriousness of the offence, this Court does not find any ground to exercise powers under Section 482 Cr.P.C. for quashing of the FIR on the sole ground of compromise having entered between the complainant and the accused.

In view of the above, no ground is made out for quashing of the

present FIR.

Petition is dismissed.

However, the observations made above are only with regard to the prayer made by the petitioner for quashing of the FIR on the basis of compromise and have no bearing on the merits of the case.

17.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No