

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

**Crl. Misc. No. M-26425 of 2020
Date of decision : 07.09.2020**

Sandeep Kaur and ors.Petitioners

versus

State of Punjab and anr. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. B.S.Sidhu, Advocate
for the petitioners

RITU BAHRI, J. (Oral)

Quashing of FIR No. 136 dated 18.08.2019 under Section 306/506/34 IPC, registered at Police Station Kotbhai, District Sri Muktsar Sahib, is being sought, on the basis of compromise deed dated 23.09.2019 (P-2).

Issue notice of motion.

On asking of the Court, Mr. Hittan Nehra, Addl.A.G, Punjab and Mr. Satbir Singh, Advocate accepts notice on behalf of the respondent-State and respondent No. 2 respectively.

The allegations in the F.I.R are that son of respondent No. 2 Lakhvir Singh married to Sandeep Kaur @ Sipho, who has two children i.e son and a daughter. Sandeep Kaur @ Sipho is residing in her natel house for the last about one year on account of annoyance. The petitioners often used to threaten Lakhvir Singh to kill him due to which Lakhvir Singh remained in tension. On 16.08.2019, Lakhvir Singh took some poisonous substance due to harassment by his in-laws. He was then taken to Civil Hospital,

Gidderbaha from where he was referred to Civil Hospital, Bathinda. Thereafter, he was taken to Adesh Hospital, Bhuchio Mandi, Bathinda. Thereafter, he died on way to Civil Hospital, Gidderbaha.

However, at the stage of investigation, the matter has been duly compromised between the parties, vide compromise deed dated 23.09.2019 (P-2). Photocopy of Aadhar card of respondent No. 2 is attached with the petition as Annexure P-3.

Mr. Satbir Singh, learned counsel appearing for respondent No. 2 has admitted the factum of compromise and submitted that respondent No. 2 has no objection if the F.I.R be quashed against the petitioners.

This Court in ***Sucha Singh and others Vs. State of Punjab and another***, 2011 (7) RCR (Criminal) 2546, had quashed an FIR, which was registered under Section 306 IPC. In that case, mother of the deceased had given an affidavit stating therein that the deceased had two sons, aged about 10 and 12 years, who were living with their father Sukhwinder Singh and that the matter had been resolved keeping in mind the future of the children of deceased. While quashing the criminal proceedings, this Court had observed that continuation of the proceedings shall only result in wastage of time as the same was not likely to result in conviction. Further reference can be made to another judgment passed by this Court in ***Sham Lal and another Vs. State of Punjab and another***, 2012 (8) RCR (Criminal) 432, wherein while quashing an FIR, which was registered under Section 306 IPC, it was observed as under:-

“8. Taking into account the allegations, compromise dated 19.02.2011 as well as affidavits of the complainant and other legal heirs as also the fact that no offence under Section 306

Indian Penal Code is made out, there is no impediment in the way of this Court to quash the present FIR and subsequent proceedings arising out of the same being misuse of the process of law.”

In the present case, mother of the deceased has made her statement that she has compromised the matter and has no objection in quashing of the FIR.

Reference at this stage can further be made to judgment of Hon'ble the Supreme Court in a case of ***Gian Singh vs. State of Punjab and anr., 2012 (4) RAJ 549*** wherein also it has been held that proceedings may be quashed having overwhelmingly and pre-dominantly civil flavour such as offence arising from commercial financial, mercantile, civil, partnership or such like transaction or the offences arising out of matrimony relating to dowry etc of the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute.

Reference at this stage can further be made to judgment of this Court passed in ***CRA-S-2026-SB/2014, decided on 14.09.2018 titled as Harjinder Kaur vs. State of Punjab***, whereby this Court dismissed the appeal of the appellant under Section 306 IPC but modified the order of the sentence of the appellant by reducing to the period already undergone, as the parties have settled their dispute amicably.

Keeping in view the above prevailing COVID 19 situation and taking in to consideration the above mentioned judgments, the present petition is allowed and FIR No. 136 dated 18.08.2019 under Section 306/506/34 IPC, registered at Police Station Kotbhai, District Sri Muktsar Sahib is quashed along with all consequential proceedings qua petitioners,

in view of the judgment of the Hon'ble Supreme Court in cases Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429 *and* the law laid down by the Full Bench of this Court in the case of Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 and the judgment passed in Sucha Singh's case (supra), as no useful purpose would be served in prolonging the litigation.

07.09.2020
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>