

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

Sr. No.115

CRM-M-25217-2020

DATE OF DECISION: August 31, 2020

NANNU @ ANJLI AND OTHERS

..PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Gurmohan Singh Bedi, Advocate, for the petitioners.

SUDHIR MITTAL, J. (ORAL)

The petitioners seek quashing of FIR No.39, dated 21.04.2020 registered at Police Station Daba, District Ludhiana, under Section 304-B & 34 IPC.

The deceased is one Parminder Kaur. Her mother got the aforementioned FIR registered on the allegation that her daughter ended her life by hanging herself from the fan in her room as she was greatly upset with the ill-treatment meted out by her husband and in-laws. Within one month of registration of the FIR, a compromise dated 24.05.2020 was reached between the parties as is recorded in affidavit dated 16.06.2020 executed by the complainant, copy of which has been annexed as Annexure P-2.

Notice of motion.

CRM-M-25217-2020

Mr. Pawan Sharda, Sr. DAG, Punjab accepts notice on behalf of State of Punjab and waives service.

Mr. Anand Khanna, Advocate accepts notice on behalf of the complainant-respondent No.2 and admits the factum of compromise.

Learned counsel for the petitioner has argued that a perusal of the contents of the FIR as well as affidavit (Annexure P-2) leaves no manner of doubt that Section 304-B IPC is not attracted in the facts of this case. At the most, Section 306 IPC could be attracted but the same is also extremely doubtful. The FIR was registered on account of a misunderstanding and on account of feeling of great sorrow at the loss of her daughter by the complainant. Thus, the case is covered by ***Narinder Singh and others vs. State of Punjab and another, 2014 (6) SCC 466***, and the FIR can be quashed on the basis of compromise.

In the judgment of ***Narinder Singh's (supra)***, the Hon'ble Supreme Court has held that in matters regarding quashing of criminal proceedings on the basis of compromise, one of the guiding factor would be to prevent abuse of the process of any Court. The High Court would also keep in mind that continuation of the criminal case would cause great oppression and prejudice and extreme injustice to the accused persons.

The facts brought on record and admitted by the complainant disclose that the FIR was registered on account of a feeling of great loss and sorrow caused by the death of the daughter of the complainant. From the contents of the FIR itself, there is no doubt that offence under Section 304-B IPC is not attracted. The complainant has sworn an affidavit that the FIR was registered on account of a misunderstanding and thus, the issue whether

CRM-M-25217-2020

the daughter of the complainant was being ill-treated in her matrimonial house is also rendered doubtful. Apparently, the FIR was got registered on account of a feeling of vengeance and was not based on facts. Thus, it has to be held that continuation of the prosecution would amount to an abuse of the process of the Court and would be oppressive and prejudicial to the accused persons.

The fact that a compromise was reached between the parties within one month of the registration of the FIR also goes to show that the action of registration of the FIR was not a rational and objective decision.

For the aforementioned reasons, the petition is allowed and FIR No.39, dated 21.04.2020 registered at Police Station Daba, District Ludhiana, under Section 304-B & 34 IPC along with all consequential proceedings having arisen therefrom, is quashed qua the petitioners.

August 31, 2020

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No