

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

CRM-M-26298 of 2019.

Decided on:- January 28, 2020.

Rajvir Kaur and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Ms. Manjot Kaur, Advocate for
Mr. Satnam Singh Gill, Advocate
for the petitioners.

Mr. Hittan Nehra, D.A.G., Punjab.

Mr. Ritesh Kumar Sharma, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.39 dated 24.04.2015 under Sections 306 and 120-B IPC as well as Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Singh Bhagwantpura, District Roopnagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 06.05.2019 (Annexure P-3).

On 28.11.2019, this Court had passed the following order:

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 39, dated 24.4.2015, registered under Sections 306, 120 B IPC at Police Station Singh Bhagwantpura, District Roopnagar.

Petitioner No. 1 is wife of Lakhwinder Singh. There was a matrimonial dispute between wife and Lakhwinder Singh. Complainant Darshan Singh is father of Lakhwinder Singh. On account of matrimonial dispute between Rajvir Kaur (petitioner No. 1) and Lakhwinder Singh, a case under Section 498-A IPC was got registered by petitioner No. 1 against Lakhwinder Singh and her father in law and mother in law. The said dispute was settled between the parties and in that regard, for quashing of FIR on the basis of compromise bearing No. CRM-M-25470-2019 has already been filed which is now fixed for 28.1.2020. Before compromise arrived at between parties, Rupinder Singh, brother of Lakhwinder Singh committed suicide. Allegation in present FIR against petitioners is that said Rupinder Singh committed suicide on account of family dispute.

It is contention of learned counsel for petitioner that even as per allegations in FIR, no offence under Section 306 IPC is made out.

Notice of motion.

Ms. Monika Jalota, DAG Punjab, and Mr. B.S. Baath, Advocate, accept notice on behalf of respondent No. 1-State and respondent No.2 respectively.

The parties may appear before the concerned Trial Court/Duty Magistrate on 5.12.2019 or any other date as convenient to Trial Court/Duty Magistrate and get their statements recorded with regard to compromise. The original compromise shall be produced before Trial Court/Duty Magistrate. In the event of their statements recorded, Trial Court/Duty Magistrate will send copies of same to this Court before next date of hearing alongwith his/her report :

- 1. Regarding genuineness and voluntary nature of compromise;*

2. *Whether all accused/petitioners are appearing before the Court or are on bail; and*
3. *Whether any other proceeding is pending against accused/petitioners;*

To come up on 28.1.2020 alongwith CRM-M-25470-2019.”

Pursuant to the aforesaid order, the parties had appeared before learned Additional Sessions Judge, Rupnagar and got their statements recorded on 17.12.2019. On the basis of the statements so recorded by the parties, learned Additional Sessions Judge has submitted the report dated 21.12.2019 to the effect that the compromise is genuine and voluntarily effected between the parties.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Darshan Singh. He has already made a statement before learned Additional Sessions Judge, Rupnagar in support of compromise on 17.12.2019, which reads as under:

“Stated that I have initially given an application against nine persons namely Rajvir Kaur, Bhupinder Singh, Inderjit Singh (PO), Kamaljit Kaur, Jarnail Singh, Jaspal Singh, Shingara Singh, Harnek Singh and Shingara Singh and police has got registered FIR no.39 dated 24.4.2015 u/S 306, 120-B IPC PS Singh Bhagwantpura, Distt. Ropar only against four persons namely Rajvir Kaur, Bhupinder Singh, Inderjit Singh (PO) and Kamaljit kaur and other accused namely Jarnail Singh, Jaspal Singh, Shingara Singh, Harnek Singh and Shingara Singh were kept in khana no.2 by the police and accordingly challan was presented. Thereafter, prosecution moved the application u/S 319 Cr.P.C in which Jarnail Singh, Jaspal Singh, Shingara Singh, Harnek Singh, Shingara Singh and Manjit Singh @ Raju

were summoned as additional accused and at present and now, I have compromised with matter with all the accused and after compromise the accused has filed quashing petition before Hon'ble High Court bearing no.CRM-M-26298/2019 and Hon'ble High Court has directed me to appear before this learned court to suffer statement regarding compromise. The statement suffered by me today in court is my volunteer statement and same is without any coercion and pressure and in view of compromise, I do not want to proceed against the accused and I have no objection if FIR be quashed against the accused. Compromise in the shape of affidavit is Mark A."

Learned counsel for the petitioners has argued that there was no such instigation on the part of the petitioners which may lead to death of Rupinder Singh, who died by hanging.

Learned counsel for respondent No.2-complainant has not disputed the factum of compromise between the parties.

Learned State counsel, on instructions from ASI Davinder Kumar, does not dispute the factum of compromise and states that the complainant has appeared before the trial Court during the trial, wherein he has stated that the matter has been compromised between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Thus, following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others***

(2012) 10 SCC 303, the present petition is allowed and the FIR No.39 dated 24.04.2015 under Sections 306 and 120-B IPC as well as Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Singh Bhagwantpura, District Roopnagar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise by way of affidavit dated 06.05.2019 (Annexure P-3), however, subject to payment of total costs of Rs.10,000/- to be paid by the petitioners to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of one month from today.

January 28, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No