

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-41135-2020 (O & M)
Date of Decision: December 22, 2020

SUKHBIR SINGH ALIAS GOLA AND ORSPETITIONERS

VERSUS

STATE OF PUNJAB AND ANRRESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Shailendra Sharma, Advocate for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Jatinder Kumar Sharma, Advocate for respondent No.2

ANUPINDER SINGH GREWAL, J (ORAL)

Heard through video conferencing.

The petitioners are seeking quashing of FIR No.431 dated 12.11.2020, under Sections 306, 506 IPC registered at Police Station Zirakpur, on the basis of compromise dated 27.11.2020 (Annexure P-2), which has been arrived at between the parties.

Learned counsel for the petitioners contends that the allegations in the FIR are that the son of the complainant had committed suicide as petitioners No.2 & 3 were not returning his money. He further contends that there is no *prima facie* material which would disclose the commission of offence under Section 306 IPC. There is nothing to suggest that the petitioners were harassing the deceased with the intention to compel him to commit suicide. He has relied upon the judgment of the Supreme Court in the case of ***State of Kerala and others versus S. Unnikrishnan Nair and others, (2015) 9 SCC 639***. He also contends that the matter has been compromised. He has referred to a copy of the affidavit of the complainant at Annexure P-2 wherein it is stated that he was disturbed at the demise of his son and had named the petitioners. He is now convinced that the petitioners did not harass his son.

Learned counsel for respondent No.2 states that the matter has indeed been compromised.

This Court by the order dated 09.12.2020 had directed the parties to appear before the trial Court to record the statements of the parties with regard to genuineness of the compromise and send a report to this Court. The report of Judicial Magistrate Ist Class, Dera Bassi dated 14.12.2020 has been received, wherein it is stated that in pursuance to the order of this Court, the statements of the parties were recorded which indicates that the compromise is genuine and without any coercion or undue influence.

In view of the afore-noted facts and circumstances and the law laid down by the Supreme Court in the case of *Narinder Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466*, no useful purpose will be served by continuing the criminal proceedings. Therefore, the petition is allowed and FIR No.431 dated 12.11.2020, under Sections 306, 506 IPC registered at Police Station Zirakpur (Annexure P-1) and all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner(s).

(ANUPINDER SINGH GREWAL)
JUDGE

December 22, 2020
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No