

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

273

CRM-M-39168-2019

Date of Decision:31.01.2020

Manoj Kumar

.....Petitioner

Versus

The State of Haryana and another

.....Respondents

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

**Present: Mr. Govind Chauhan, Advocate,
for the petitioner.**

Ms. Priyanka Sadar, AAG, Haryana.

**Mr. Deepak Negi, Advocate,
for respondent No.2.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.298 dated 30.07.2018 under Section 306 IPC, registered at Police Station Farakpur, District Yamuna Nagar (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise/affidavit dated 06.08.2019 (Annexure P-2).

This Court vide order dated 13.09.2019 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Additional District & Sessions Judge, Yamuna Nagar at Jagadhri and got their statements recorded. On the basis of the statements so

recorded, learned ASJ, Jagadhri has submitted report dated 05.11.2019 to the effect that the compromise arrived at between the parties is genuine, voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Amit Kumar has made a statement with regard to compromise before learned ASJ, Jagadhri on 31.10.2019. The same is reproduced as under:-

“Stated that my sister namely Poonam Rani was married with accused Manoj Kumar son of Sh. Nathi Ram, resident of H. No.413, ward No.25/17, Gulab Nagar, Jagadhri, Distt. Yamuna Nagar. From this wedlock two children namely a boy Naman Kumar and a girl namely Simran were born. My sister deceased Poonam Rani committed suicide on dated 29.7.2018 due to financial crisis, on which I got registered present FIR No.298 dated 30.7.2018, under Section 306 of IPC, P.S. Farakpur. Now, I have settled the present dispute with the accused voluntarily and without any fear or pressure. I have no objection if the present FIR is quashed and proceedings against accused Manoj are dropped. I place on record my duly sworn affidavit in this regard as Ex.C1 and same bears my signature.”

Learned State counsel has not disputed the factum of compromise between the parties and submits that as against total 24 witnesses cited by the prosecution, 04 witnesses have been examined in the case.

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

It is admitted case of the parties that complainant in the case has not been examined. In this manner, the complainant is not going to support the case of the prosecution. Even the matter has been compromised

between the parties, this Court finds that the present FIR deserves to be

quashed.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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*, as approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and FIR No.298 dated 30.07.2018 under Section 306 IPC, registered at Police Station Farakpur, District Yamuna Nagar (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise/affidavit dated 06.08.2019(Annexure P-2).

January 31, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No