

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

123

CRM-M-6288-2021

Date of decision: 08.04.2021

Neetu and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Vivek Singla, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for respondent No.1-State.

Mr. Subham Mehta, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

Petitioners-**Neetu, Ramesh, Kaushalya, Usha and Veeru @ Viru** have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No. 170 dated 10.10.2019 registered under Section 306 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Jaito, District Faridkot (**Annexure P-1**) along with all consequential proceedings arising therefrom in view of the compromise dated 03.02.2021 (**Annexure P-2**) effected with respondent No.2- Chhina Devi.

The above said FIR was registered on statement of respondent No. 2 - Chhina Devi who alleged that her brother Buta Singh was married with Neetu (petitioner No. 1) and three children

were born out of the wedlock. Due to matrimonial differences Neetu started residing with her cousin Usha (petitioner No. 4). The complainant alongwith other relatives named in the FIR and Buta Singh went to bring Neetu back to the matrimonial home but parents of Neetu namely Ramesh (petitioner No. 2) and Kaushalya (petitioner No. 3), Usha and Veeru @ Viru (petitioner No. 5) refused to send Neetu with them due to which Buta Singh became mentally upset and committed suicide by hanging himself with the rope in his room.

The petitioners have filed the present petition for quashing of the FIR on the grounds that now with the intervention of respectables, the matter has been amicably compromised between the parties and they have resolved their differences.

Vide order dated 11.02.2021, this Court directed the private parties to appear before the trial Court/Illaqa Magistrate on 22.02.2021 or any other date convenient to the Court for recording their statements with regard to compromise/settlement and directed the Trial Court/Illaqa Magistrate to submit a report before 07.04.2021 regarding the genuineness and voluntary nature of the compromise.

In compliance of the above said order, learned Additional District and Sessions Judge, Faridkot has recorded the statements of both the parties and submitted report dated 16.03.2021. The relevant part of the same reads as under:-

"..... it is submitted that in compliance of the said order, parties appeared before this Court, on 22.02.2021. Statements of complainant Sheena @ Chhina Devi and of accused persons were recorded.

Complainant made a statement that case FIR No.

170 dated 10.10.2019, under Sections 306/149 IPC, Police Station Jaitu, has been registered against accused persons namely Neetu wife of Buta Singh son of Sharif Singh, resident of Chhanjanwala Wala Mohala, Jaitu, Ramesh Kumar son of Tilka Raj, resident of Shri Chand Nagar, near Burja Wala Fatak, Street No. 5, Malout, Kaushalya wife of Ramesh Kumar, resident of Shri Chand Nagar, near Burja Fatak, Street No. 5, Malout, Veeru alias Viru son of Pritam Singh son of Kartar Singh, resident of House No. 78, Ward No. 9, Chowk No. 3 Bajakhana Road, Chajjan Wala Mohalla, Ambedkar Nagar, near Church, Jaitu and Usha wife of Veeru, resident of Ambedkar Nagar, Near Church, Jaitu, on her statement, made before the police on 10.10.2019. Now, matter has been compromised, copy of which is Mark-A. The compromise is genuine and has been effected by her voluntarily, without any coercion or undue influence. She has no objection if FIR No. 170 dated 10.10.2019, under Sections 306/149 IPC, Police Station Jaitu and consequent proceedings arising be quashed against the accused. She has suffered her statement voluntarily, without any pressure, coercion or undue influence. Photo copy of his Aadhaar Card is Mark-B.

Accused Neetu, Ramesh Kumar, Kaushalya, Veeru @ Viru and Usha suffered joint statement to the effect that a case FIR No. 170 dated 10.10.2019, under Sections 306, 149 IPC, Police Station Jaitu, has been registered against them, on the statement of complainant Sheena @ Chhina Devi wife of Mangu Singh, daughter of Shareef Singh, resident of Chajjghar Basti, Jaitu, Tehsil Jaitu, District Faridkot, made before the police on 10.10.2019. Now matter has been compromised, copy of which is mark-A. The compromise is genuine and has been effected by them voluntarily, without any coercion or undue influence. They

are not involved in any other case. They have suffered their statements voluntarily without any pressure, coercion or undue influence. They have placed on record photo copies of their respective Aadhaar Cards.

After going through the record and above statements of complainant and accused persons, the report is submitted as under :-

- 1. There are five persons namely Neetu, Ramesh Kumar, Kaushalya, Veeru and Usha, arrayed as accused in the FIR*
- 2. None of the accused is proclaimed offender.*
- 3. The compromise effected by the complainant with the accused persons is genuine, voluntary and without any coercion or undue influence.*
- 4. The accused persons are not involved in any other case.*
- 5. Case is now fixed for 07.04.2021 for evidence of prosecution.."*

No reply to the petition has been filed on behalf of respondent No. 1 – State.

I have heard learned counsel for the petitioners, learned State counsel and learned counsel for respondent No.2 and gone through the relevant record.

It is now well settled that the High Court has inherent power to quash the criminal proceedings in non-compoundable cases on the basis of settlement between the parties for securing the ends of justice or to prevent abuse of the process where the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case.

Criminal cases having overwhelmingly and predominantly civil

character particularly those arising out of commercial transaction or arising out of matrimonial relationship or family dispute can be quashed when the parties have resolved their entire dispute among themselves. However, such power cannot be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape dacoity, etc. which are not private in nature and have a serious impact on society. Similarly, prosecution for offences alleged to have been committed under special enactments like the Prevention of Corruption Act or the offences committed by public servant while working in that capacity cannot be quashed on the basis of compromise between the victim and the offender. For judicial precedents in this regard, reference may be made to ***Narinder Singh Vs. State of Punjab (Supreme Court) : 2014 (2) RCR (Criminal) 482, State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019 (2) RCR (Criminal) 255 and Kulwinder Singh and others Vs. State of Punjab and others (Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052.***

In ***CRM-M-26298 of 2019 titled Rajvir Kaur and others Vs. State of Punjab and another decided on 28.01.2020, CRM-M-1109 of 2020 (O & M) titled Jaspreet Kaur Vs. State of Punjab and another decided on 28.02.2020 and CRM-M 26425 of 2020 titled Sandeep Kaur and others Vs. State of Punjab and another decided on 07.09.2020***, Co-ordinate Benches of this Court quashed FIR in respect of offence punishable under Section 306 of the IPC, besides other offences, on the basis of compromise.

A perusal of the report of learned Additional District and

Sessions Judge, Faridkot reveals that the matter has been compromised by the parties with their free consent, voluntarily and without any coercion or undue influence.

Learned State counsel has no objection in case the aforesaid FIR along with all subsequent proceedings arising therefrom is quashed on the basis of compromise effected between the parties in this case.

The offence involved in the present case arising out of matrimonial differences between petitioner No.1 Neetu and the deceased is overwhelmingly and predominantly of private character. The parties have compromised at the initial stage. In view of the facts and circumstances of the case, the possibility of conviction of the petitioners is remote and bleak. Continuation of this case will put the petitioners to great oppression and extreme injustice would be caused to the petitioners if the FIR and all consequential proceedings are not quashed.

In view of the above discussion, the petition is allowed and FIR No. 170 dated 10.10.2019 registered under Section 306 read with Section 149 of the IPC at Police Station Jaito, District Faridkot (**Annexure P-1**) is quashed along with all consequential proceedings arising therefrom.

08.04.2021

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No