

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-50644-2021
Decided on : 03.12.2021

Raghuraj & another

..... Petitioners

Versus

State of Punjab & another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.S.Gurna, Advocate
for the petitioners.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 482 Cr.PC for quashing of case FIR No.39 dated 17.02.2021 (Annexure P-1) registered under Section 306 IPC at Police Station Sadar, District Amritsar and all the consequential proceedings arising therefrom on the basis of compromise dated 19.10.2021 arrived at between the parties.

Learned counsel for the petitioners contends that while registering the FIR in question vague allegations had been levelled against the petitioners of abetting the suicide of Rekha (since deceased) daughter of the complainant on account of her not being able to bear a child. He submits that it was on account of passions and emotions running high, the complainant got the FIR in question registered. However, subsequently, with the intervention of respectables, the parties had compromised the matter with each other so as to maintain peace and harmony. In support, he has drawn the attention of this Court to the compromise (Annexure P-2) wherein the aforementioned fact stands reflected.

Heard learned counsel and perused the material available on record.

No doubt, this Court does have wide and extensive powers under Section 482 Cr.PC to quash a FIR/criminal proceedings on the basis of compromise, however, while exercising its inherent jurisdiction under Section 482 Cr.PC, this Court cannot be expected to turn a blind eye to the allegations levelled at the time of registration of the FIR. Moreover, the powers of this Court to quash an FIR shall also have to be guided by the provisions of Section 320 Cr.PC.

The petitioners are seeking quashing of FIR in question, which was got registered soon after the deceased i.e. daughter of the complainant hanged herself to death on 17.02.2021. As per the allegations levelled the deceased was being subjected to continuous mental harassment by her husband and brother-in-law i.e. present petitioners for being unable to bear a child.

The submissions made by the learned counsel for the petitioners that the matter stood amicably settled between the petitioners and the complainant i.e. respondent No.2, who too had stated that it was on account of emotions running high, the FIR was lodged against the petitioners, would not be a sufficient enough ground to quash the FIR on the basis of a compromise. A perusal of the allegations levelled in the FIR in question, reveal that the deceased had been married with petitioner No.1 for 5 years preceding the occurrence in question. Since she was unable to bear a child, she would be taunted frequently by the petitioners and being fed up of the mental harassment being meted out, she ended her life by hanging herself with a dupatta in her matrimonial home.

In the case in hand, it has been brought to the notice of this Court by the learned counsel that challan already stands presented before the trial Court. In the circumstances, this Court would be reluctant to quash criminal proceedings at this stage as the investigation agency would have presented challan only after considering all the material collected during investigation. Still further, it was the deceased, who was prima facie at the receiving end of mental torture inflicted on her by the petitioners and, on being pushed against the wall by them, she ended her life. It is thus, evident that it was the deceased and deceased alone, who was a victim of alleged torture. It cannot be over-emphasized that a compromise has to be effected only with a victim. This Court therefore rejects the compromise effected between the petitioners and the complainant i.e. father of the deceased.

In the facts and circumstances as enumerated hereinabove, this Court does not thus, deem it appropriate to invoke its inherent jurisdiction under Section 482 Cr.PC to quash the FIR in question and subsequent proceedings arising therefrom on the basis of compromise effected between the petitioners and complainant i.e. respondent No.2.

Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

03.12.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No