

**CRM-M-47293-2019 (O&M)**

**Through video conference**

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.**

**CRM-M-47293-2019 (O&M).  
Decided on: September 27, 2021.**

**Navjot Kaur and others**

**.. Petitioners**

**VERSUS**

**State of Punjab and another**

**.. Respondents**

**\* \* \***

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

**\* \* \***

**PRESENT Mr.Karanjeet Singh Brar, Advocate,  
for the petitioners.**

**Mr.Randhir Singh Thind, DAG, Punjab.**

**Mr.Rajat Dogra, Advocate,  
for respondent No.2.**

**JASGURPREET SINGH PURI, J. (ORAL)**

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.150 dated 20.8.2018, under Sections 328/34 IPC, (Section 307 IPC added later on) registered at Police Station Shahkot, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P2).

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FIR in the present case was lodged on 20.8.2018 on the basis of statement of Gagandeep Singh son of Daljit Singh – respondent No.2 who stated that he is doing agricultural work and has a dispute with his wife namely Navjot Kaur (petitioner No.1) for the last about 1½ years because her activities were not right and she had extra-marital affairs with other persons and due to this reason earlier also many a times Panchayats were convened and the matter was compromised between them after giving warning to her. However, again, a dispute arose between the parties and thereafter, on 3.8.2018 respectable persons sat together but no compromise could be arrived at between them. On 16.8.2018, ASI Govinder Singh called them in connection with one complaint but on that day ASI Govinder Singh was out of station and his wife Navjor Kaur (petitioner No.1), her father Harbans Singh (petitioner No.2) and her uncle Shingara Singh (petitioner No.3) asked them to sit together at home and the children were on tutitions and when he was going to close the main gate then his wife called him and asked that her father and her uncle want to talk to him and when he went towards them, his wife held him from his hairs and her father grappled him and her uncle snatched his mobile phone and asked him regarding the password of mobile and put his thumb impression to unlock the mobile phone and deleted the recordings from his mobile phone. Thereafter, his wife slapped him on his face and abused him and asked him to get the land mutated in her name and also told that he will be murdered. Thereafter, his wife went inside the room and took a liquid thing and his father-in-law held

his mouth and uncle-in-law held his legs and his wife put the same in his mouth and ran away from the spot and thereafter, he became unconscious and was admitted to Civil Hospital, Shahkot after arranging the vehicle where his treatment is going on.

Learned counsel for the petitioner has submitted that, in fact, the FIR was lodged on the basis of a matrimonial dispute between petitioner No.1 and respondent No.2 and no such incident had taken place and it was a result of misunderstandings between the parties which have cropped up because of the matrimonial dispute. He has submitted that with the intervention of respectable persons of the locality, a compromise has been arrived at between the parties vide Annexure P-2 and all the accused as well as the complainant are parties to the compromise. He has submitted that thereafter vide Annexure P-5 even divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act has also been obtained on 5.8.2020 and the matter has been amicably settled between the parties. He has submitted that in view of the amicable settlement between the husband and the wife, the present petition for quashing of the FIR and the consequential proceedings have been filed and this Court on 20.8.2021 had directed the parties to appear before the learned Illaqua Magistrate/trial Court for getting their statements recorded. He has submitted that in pursuance to aforesaid directions, the parties appeared before the learned trial Court and statements of the parties have been recorded. He has submitted that so far as petitioner No.2 namely Harbans Singh is concerned,

he died on 22.2.2021 and therefore, his statement could not be recorded and the same fact has been incorporated in the report by the learned trial Court.

On the other hand, learned State counsel has stated that status report has been filed in the present case wherein it has been stated that the allegations in the present case were regarding administering of poisonous substance forcibly into the mouth of respondent No.2 - Gagandeep Singh. However, no 'gastric lavage' and 'blood samples' were taken at the Civil Hospital, Shahkot and therefore, no blood samples were sent for chemical examination to the Forensic Science Laboratory. He has further submitted that the nature of the liquid administered to respondent No.2 could not be ascertained because of the aforesaid reason. He has further submitted that investigation of the case is already complete and the challan has been presented before the Court. However, he has prayed that merely on the basis of compromise, FIR may not be quashed.

Mr.Rajat Dogra, learned counsel for complainant – respondent No.2, who has appeared on behalf of Mr.Lovepreet Handa, Advocate, has submitted that it is correct that amicable settlement has been arrived at between the parties and in pursuance to the directions issued by this Court, the statements of the parties have been got recorded before the learned trial Court/Magistrate voluntarily and without any coercion. He has submitted that respondent No.2 has no objection in case the FIR and all the consequential proceedings arising from the FIR are quashed by this Court. He has further submitted that so far as respondent No.2 is concerned, since

there is no relationship left between respondent No.2 and petitioner No.1 because of the passing of the divorce decree and amicable settlement leading to the separation of the parties, it is in the welfare of the family that the FIR is quashed as the continuation of the criminal proceedings would not serve any purpose after the amicable settlement of the matrimonial dispute.

I have heard the learned counsel for the parties.

In pursuance to the orders passed by this Court on 20.8.2021, the parties were directed to appear before the Illaqua Magistrate/trial Court. A report has been received from the learned Judicial Magistrate First Class, Nakodar dated 1.9.2021, wherein it has been stated that in compliance of the directions issued by this Court the complainant/victim Gagandeep singh and accused Navjot Kaur and Shingara Singh had appeared before the learned Court and requested for getting their statements recorded with regard to the compromise effected between them in FIR No.150 dated 20.8.2018, under Sections 307 and 328/34 IPC, registered at Police Station, Shahkot, District Jalandhar Rural. The statements of both the parties with regard to the compromise have been got recorded. Complainant/victim Gagandeep Singh and accused Navjot Kaur and Shingara Singh have suffered statement that accused Harbans Singh has already died and they have also placed on record a copy of the death certificate which has been marked as 'Mark-A.' Furthermore, the investigating officer also appeared in the Court and suffered the statement

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that he is the investigating officer and in the present case there were three accused namely Navjot Kaur, Harbans Singh and Shingara Singh out of whom Harbans Singh has died. None of the accused has been declared as a proclaimed offender and the accused persons are not involved in any other case. Furthermore, there is only one victim/complainant i.e. Gagandeep Singh – respondent No.2 and the investigating officer has identified complainant Gagandeep Singh and the accused Navjot Kaur and Shingara Singh. It has been further stated in the report by the learned JMIC that the parties have entered into a compromise with each other and from the statements recorded by both the sides, it can be deduced that compromise between the parties is genuine, voluntary and without any coercion and undue influence and the same has been entered into with free will and consent of the parties. They have been identified by their counsels and the investigating officer and their I.D. proofs with photographs were taken on the file. Further, as per the statement of the investigating officer, there were three accused namely Navjot Kaur, Harbans Singh and Shingara Singh out of whom Harbans Singh has died. Both the accused namely Navjot Kaur and Shingara Singh have not been declared as proclaimed offenders and there is no other FIR against the accused persons. Furthermore, challan has been presented in the present case.

In the present case, FIR is sought to be quashed on the basis of compromise on the ground that there was a matrimonial dispute between petitioner No.1 and respondent No.2 and as a result of the

matrimonial dispute, the present FIR came to be lodged but as per the allegations some liquid was administered in the mouth of respondent No.2 due to which he was admitted to Civil Hospital. As per the affidavit filed by the State by way of status report, it has been stated that no sample or any other test was undertaken to determine as to what was the nature of the liquid and whether it was toxic or not. The samples were not sent for chemical examination to the Forensic Science Laboratory. An important aspect which needs to be considered in the present case would be as to whether invoking of Section 307 IPC in the present FIR can become a ground for denial of quashing of the FIR based upon compromise. A query was put to the learned counsel for the petitioners as to how the present petition would be maintainable and quashing of FIR would be permissible in view of the law laid down by the Hon'ble Supreme Court in **The State of Madhya Pradesh Vs. Laxmi Narayan and Others 2019 (2) SCC (Crl.) 706.**

The Hon'ble Supreme Court in the aforesaid judgment has observed that normally FIR under Section 307 IPC should not be quashed on the basis of compromise because it was in the category of serious offences. However, at the same time, a rider has also been attached i.e. whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. However, such rider would not be permissible when the matter is still under investigation. Further, in the present case investigation is already complete and challan has been presented. As per

affidavit filed by the State no toxicity could be found in the liquid administered in the mouth of respondent No.2 because neither were the samples taken nor they were sent for any chemical examination to Forensic Science Laboratory and therefore, it would not be out of place to infer that in such like cases where there is no medical opinion, Section 307 IPC may not be attracted. This Court is of the opinion that even if Section 307 IPC has been incorporated in the FIR the same cannot become an impediment for quashing of the FIR based upon compromise primarily in view of facts and circumstances of the present case. The subject matter of the present FIR and the dispute between the parties is primarily a matrimonial dispute and both the parties i.e. petitioner No.1 and respondent No.2 have already parted ways and their marriage has also been dissolved by way of mutual consent vide Annexure P-5 and therefore, this Court is of the opinion that the present case does not fall in the category of serious and heinous offences. All the parties have also got recorded their voluntary statements before the learned trial Court in pursuance of the directions issued by this Court and the learned trial Court has already sent a report by stating that none of the parties has been declared as proclaimed offenders and none of the parties is involved in any other case and that compromise arrived at between the parties is genuine and without coercion. Therefore, continuation of the further prosecution would not be in the interest of justice and would not serve any useful purpose.

Therefore, considering the law laid down by a full Bench

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of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* as well as *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, as also the *Laxmi Narayan (supra)*, the present petition is allowed. Since petitioner No.2 has already died during pendency of the present petition, the present FIR and all subsequent proceedings arising therefrom are hereby quashed qua petitioner Nos.1 and 3 on the basis of compromise.

Pending misc. application, if any, shall also stand disposed of accordingly.

September 27, 2021.  
raj arora

(JASGURPREET SINGH PURI)  
JUDGE

Whether speaking / reasoned  
Whether reportable

Yes / No  
Yes / No