

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2554 of 2021 (O&M)

DECIDED ON:25th March, 2022

Parul Mehta and others

.....PETITIONERS

VERSUS

State of Punjab and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Pardeep Kumar Kapila, Advocate for petitioners.

Mr. Amit Mehta, Sr. DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 482 Cr.P.C. is filed seeking quashing of FIR No. 161 dated 19.10.2020, under Section 306 read with Section 34 IPC, registered at Police Station Dhakoli, District SAS Nagar, Mohali, on the basis of compromise.

The FIR was got registered by Seema Devi, mother of the deceased- Suraj Bhan. As per the contents of the FIR, marriage of deceased with Parule Mehta was solemnized in the year 2016. The couple was blessed with two children. In the year 2019, there were differences and the couple started living separately but from 1.10.2020 on the intervention of relatives they started to live together. On 18.10.2020 the complainant received a call from her daughter-in-law saying that something happened to the deceased. The complainant along with her daughters and son-in-law reached the house of the deceased. She was informed by daughter-in-law that deceased slept in a separate

room, later it was found that he had hanged himself. His body was brought down with the help of neighbourers. As per the allegations, the daughter-in-law and her parents forced the deceased to commit suicide.

The only pleading in the petition is that FIR be quashed as parties have compromised the matter.

Learned counsel for the petitioner argues that as the complainant does not want to pursue the matter, hence the FIR be quashed on the basis of compromise.

Learned State counsel opposes the prayer and submits that offence is serious in nature, there was loss of human life and FIR cannot be quashed on the ground of compromise.

The Supreme Court in *State of Madhya Pradesh v. Laxmi Narayan*, 2019 AIR (SC) 1296, considering the earlier decisions held as under:

"13. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

i) that the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

ii) such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

iii) similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

iv) offences under [Section 307 IPC](#) and the [Arms Act](#) etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under [Section 307 IPC](#) and/or the [Arms Act](#) etc. which have a serious impact on the society cannot be quashed in exercise of powers under [Section 482](#) of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of [Section 307 IPC](#) in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to 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 framing the charge under [Section 307 IPC](#). For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of *Narinder Singh (supra)* should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

v) while exercising the power under [Section 482](#) of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc."

The Division Bench of this Court in ***Baldev Singh Versus State of Punjab and another, 2016(3) Law Herald 2020***, on reference while dealing with the question “Whether the crime registered under [Section 304-A IPC](#) can be quashed on the basis of compromise arrived at by the legal heirs/legal representatives of the victim (deceased) with the offender?” held as under:

"Likewise, to draw an analogy that in cases involving the offence under Section 307 which are of heinous nature, it has been opined by the Courts that the factum of a settlement or compromise between the parties can be a guiding factor, is not justified. In the case under Section 304-A the victim is obviously not present to settle the matter. To permit a legal representative or legal heir to compromise or settle the matter is indeed an invitation to a dangerous trend and cannot be permitted. To quash the proceedings under Section 304-A solely on the basis of a settlement or compromise arrived at between the accused and the legal representatives is not permissible and militates against all canons of justice. Inclusion of the legal representatives in the definition of victim does not clothe him/them to enter into such a settlement, though the legal representative, undoubtedly has the authority to file an appeal or receive compensation."

The Supreme Court in ***Laxmi Narayan's case (supra)*** held that compromise quashing should not be resorted to in case of serious offence and offences which are not private in nature and have serious impact on the society.

The Division Bench in ***Baldev Singh's case (supra)*** while dealing with the case involving Section 304-A IPC held that in absence of victim allowing the legal representatives to compromise the matter could be a dangerous trend.

There is no dispute on the proposition that High Court in exercises of power under Section 482 Cr.P.C. can quash FIR in appropriate case where *prima-facie* no case is made out or for securing ends of justice or to prevent abuse of process of law.

In the present case, the sole ground for seeking quashing of FIR is the compromise between the parties.

The suicide committed with allegations of provocation, abetment cannot be termed as offence of personal or private in nature. To quash FIR under Section 306 IPC solitarily on the ground of compromise without there being any mitigating circumstance would be a dangerous proposition to be laid, as the

compromise is entered by his legal representatives or legal heirs of the

deceased.

Keeping the above facts and circumstances, the petition seeking quashing of FIR on the basis of compromise is dismissed.

25th March, 2022
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>