

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8141-2021 (O&M)
Reserved on: 27.07.2022
Date of Pronouncement: 01.09.2022

Gurlal Singh @ Lali
...Petitioner (s)
Versus
State of Punjab & another
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present: Mr. PBS Goraya, Advocate
for the petitioner(s).
Mr. R.S. Khaira, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
44	7.4.2020	Sarai Amant Khan, District Tarn Taran	304 IPC

The petitioner, arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person.

2. During the pendency of the petition, the accused and the aggrieved person have compromised the matter, and its copy is annexed with this petition as Annexure P-2.

3. After that, the petitioner came up before this Court to quash the FIR, and in the quashing petition, impleading the aggrieved person as respondent.

4. On 30.05.2202, the aggrieved person (R-2) appeared before the CJM, Tarn Taran and stated that there would be no objection if the court quashes this FIR and consequent proceedings. As per the concerned court's report dated 30-5-

2022, the parties consented to the quashing of FIR and consequent proceedings without any threat.

ANALYSIS & REASONING:

5. The State's counsel has severely opposed this compromise and seeks dismissal of the petition because of the heinous nature of the offence.

6. The relevant portions of the FIR, Annexure P-1, read as follows:-

"That on dt. 05.04.2020, he returned back to his house after two months driving a truck and yesterday that is on 06.04.2020 I alongwith my son Amarjit Singh were present in our house that around 10 pm, Jalal Singh @ Lali son of Dalbir Singh @ Balora resident of Chhina. Bidhu Chand came to our house on their motorbikes and they told my son Amarjit to accompany them but my son refused to go with them. But Gurlal Singh @ Lali insisted and took my son on his motorcycle. My son did not return to the house and later on I enquired from the village and from the house of Gurlal Singh @ lali about my son but neither Gurlal Singh was present in his house nor he disclosed anything about my son. That around 07:30 pm Gurlal Singh @ Lali dropped my son in front of the street on his motorcycle and my son was highly intoxicated and was not able to walk properly. I caught hold of him and brought him inside the courtyard and after having dinner, he slept on court. That today morning i.e. 07.04.2020 at 05 am, when I got up, I noticed froth out of the mouth of my son and he was lying dead. That I informed my family and after leaving my mother Darshan Kaur near the deadbody, I alongwith my taya's son Jagwant Singh @ Joga son of Karnail Singh resident of Bagyardi was going to inform you that you met me on the way. That my son Amarjit Singh has died due to high/strong dosages of heroin/smack given by Gurlal Singh @ laly son of Dalbir Singh @ Balora, action be taken against Gurlal Singh. Justice be given to me. Statement heard it is correct. RTI Jasbir Kaur, attested Dalbir Singh ASI P.S. Sarai Amant Khan."

7. The parties compromised the matter vide compromise deed dated 02.02.2021, Annexure P-2. Paragraph of the compromise are in the following terms:

"That first party has got registered one FIR No. 44 dt. 07.04.2020 u/s 304 A IPC registered at P.S. Sarahe Amant Khan for the death of her son Amarjit Singh against Daljit Singh @ Balora Singh (second party) but with the intervention of Village Panchayat, the matter has been amicably settled and the misunderstanding has been cleared and I don't have any grudge against them now. That first party does not want to proceed with the FIR and in case FIR is cancel then first party have no objection and first party bound to

appear before any police official or Ld. Court for giving statement. That first party has entered this compromise without any coercion and with her own consent in her four senses and both the parties bound by it. In the present of witnesses on dt. 02.02.2021.”

8. In Nallari Sudha Rani v. The State of Telangana and others, in SLP (Crl.) Nos.2967-2968 of 2019, the Supreme Court holds as under:-

...“After hearing learned counsel for the parties, we are the considered opinion that the High Court has of committed a manifest error in allowing the application filed by the private parties and thereby permitting them to compound the offence in question. The private respondent Nos. 2 to 4 had been named as accused in connection with offence punishable under Section 306 of Indian Penal Code. We fail to understand as to how the High Court could have permitted the private parties to compound the said offence, which is a non-compoundable offence.

We are appalled to notice that even the public prosecutor appearing for the State before the High Court, did not oppose that prayer. We say no more.

Accordingly, we set aside the impugned order and direct that criminal petition No. 12089 of 2018 stands restored to the file of the High Court to its original number for being proceeded afresh on its own merits and in accordance with law.”

9. The contents of compromise deed and its objectives point towards its rejection, in the light of the Judicial precedents mentioned above.

10. Although this court has rejected the compromise; however, the fact remains that the interested parties had compromised the matter. As such, this court requests Id. trial court to expedite the trial. Parties to bring this request to the notice of the concerned Court.

Petition dismissed in the terms mentioned above. All pending applications, if any stand closed.

(ANOOP CHITKARA)
JUDGE

Sept 01, 2022
AK

Whether speaking/reasoned:
Whether reportable:

Yes
No.