

CRM-M No.11931-2019
Reserved on : 13.12.2021
Pronounced on: 03.02.2022

Khushpal Rai and othersPetitioners

Vs.

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Veneet Sharma, Advocate for the petitioners.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
157	17.09.2018	GRP, Govt. Railway Police, Amritsar, District Amritsar	306 IPC

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

2. The gist of the allegations against the petitioner(s) is that they did not return the money borrowed from husband (deceased). Needless to mention all the details as the matter has been compromised.
3. During the pendency of the petition, the accused and the complainant have compromised the matter, and its copy is annexed with this petition. After that, the petitioner(s) came up before this Court to quash the FIR, and in the quashing petition, the injured have been impleaded as respondent(s).
4. On the prayer of the parties in the present petition, the Court had permitted the parties to appear before the concerned Court to record their statements. As per the concerned Court's report, the complainant, without any threat, consented to the quashing of FIR and consequent proceedings.

ANALYSIS & REASONING:

5. It shall be appropriate to refer to the relevant portions of compromise deed, which is

extracted as follows:

2) That now the respectable persons and relatives have intervened and got a compromise effected between both the parties and the grudge of the party no.1 has been removed and now the party no.1 does not want to take any legal /court action against the party no.2 and his wife Tripata Kumar and brother-in-law Ashok Kumar son of Charan Dass.

3) That the party no. 1 shall be bound to withdraw the FIR registered by her and in order to get the case cancelled the party no. 1 Manju Mahajan shall remain present when asked by the court to make statement and shall not take any further action and the party no. 2 shall not take any legal/court action against the party no.1 and in case any complaint etc. has been moved by the party no. 2, it shall be bound to withdraw the same.

4) That there is no grudge left between both the parties and in future both parties shall live harmoniously. This compromise has been written with the consent of both the parties without any pressure and the same is acceptable to both the parties. As per the terms of the compromise and in fulfillment of its conditions, the will between both the parties has come to an end and their grudge has been removed and they are satisfied and the compromise has been written in the presence of the following witnesses and the respectable persons and the same has been signed by both the parties without any pressure or coercion after taking the same to be correct so that record is maintained.”

6. The complainant appeared before the Court of learned Additional Sessions Judge, Amritsar and on 03.12.2021 made the following statement on oath:

“Stated that on my statement an FIR No.157 dated 17.09.2018, under section 306 of IPC, Police Station GRPS, Amritsar was registered against Khushpal Rai, Tripta Kumari alias Tripta Devi and Ashok Kumar. Now with the intervention of respectables I have effected compromise with the accused persons. The compromise has been effected with my free will, without any coercion and undue influence, pressure of any type from any quarter. I have got no objection if the FIR or its subsequent proceedings are quashed against accused. No accused has been declared proclaimed offender in the present case.”

7. The reasons for which the parties had entered into compromise are not in consonance with the ratio of law laid down by the Hon’ble Supreme Court in quashing of serious offences like the present one.

JUDICIAL PRECEDENTS ON QUASHING UNDER SECTION 306 IPC:

8. In Nallari Sudha Rani vs. 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. **Petition dismissed in the terms mentioned above.**

(ANOOP CHITKARA)
JUDGE

03.02.2022
anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	No.