

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

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CRM-M-19415-2022 (O&M)

Date of Decision: 17.10.2022

PAWANDEEP KAUR SIDHU AND ORS

...Petitioners

Versus

STATE OF HARYANA AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Satbir Singh Gill, Advocate for the petitioners.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioners seek quashing of FIR No.43 dated 21.01.2022, registered at Police Station Dabwali Sadar, District Sirsa, under Sections 306 and 34 IPC, and all the consequential proceedings arising therefrom, on the basis of compromise dated 21.04.2022 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners submits that the inherent jurisdiction under Section 482 Cr.P.C. can be exercised by this Court in the present case by considering the same as rarest of rare case; that on 18.01.2018, marriage of Harmeet Singh (son of the deceased), was solemnized with petitioner No.1; that petitioner No.1 went to Canada on study basis and she has been residing there after marriage as well and that though a file along with relevant documents for work permit was submitted by the complainant, yet the same was rejected by the concerned Embassy. He further submits that, as per the allegation, the complainant and his parents requested petitioner No.1 to come back to India, but she refused to come back and that due to said fact, the father of

the complainant committed suicide on 20.01.2022. Still further, it is submitted that there is no fault of petitioner No.1 as she had duly applied for the Visa and sent the relevant documents along with the file and that the complainant did not avail any loan for sending petitioner No.1 abroad.

In support of his contentions, learned counsel for the petitioners relies upon the judgments passed by Hon'ble Supreme Court in Daxaben Vs. State of Gujarat and others, Criminal Appeal No.1061-2022, decided on 29.07.2022; Arnab Manoranjan Goswami vs The State of Maharashtra and Ors., Criminal Appeal No.742-2020 decided on 27.11.2020; orders passed by Coordinate Benches of this Court in CRM-M-44140-2017 titled Ishita Gupta and Another vs State of Punjab and Another, decided on 07.11.2019 and CRM-M-24010-2017 titled Satish Kumar Bhargav and Others vs State of Punjab and Another, decided on 28.09.2017.

Notice of motion to respondent No.1-State only.

On the asking of this Court, Mr. Rupinder Singh Jhand, Additional AG Haryana, accepts notice on behalf of respondent No.1-State.

I have heard the learned counsel for the parties.

As per the contents of the FIR, the complainant and his father has spent around Rs.32 lakhs for sending petitioner No.1 to Canada and thereafter, they used to send money on regular intervals as well.

The Hon'ble Supreme Court in Daxaben's case (supra), has

held that FIR under Section 306 IPC, on the basis of compromise with the complainant, cannot be quashed. The relevant extract reads as under:-

50. In our considered opinion, the Criminal Proceeding cannot be nipped in the bud by exercise of jurisdiction under Section 482 of the Cr. P.C. only because there is a settlement, in this case a monetary settlement, between the accused and the complainant and other relatives of the deceased to the exclusion of the hapless widow of the deceased. As held by the three-Judge Bench of this Court in Laxmi Narayan & Ors. (supra), Section 307 of the IPC falls in the category of heinous and serious offences and are to be treated as crime against society and not against the individual alone. On a parity of reasoning, offence under section 306 of the IPC would fall in the same category. An FIR under Section 306 of the IPC cannot even be quashed on the basis of any financial settlement with the informant, surviving spouse, parents, children, guardians, care-givers or anyone else. It is clarified that it was not necessary for this Court to examine the question whether the FIR in this case discloses any offence under Section 306 of the IPC, since the High Court, in exercise of its power under Section 482 CrPC, quashed the proceedings on the sole ground that the disputes between the accused and the informant had been compromised.

As in the present case, FIR is for the offence under Section 306 IPC, therefore, in view of the law laid down by the Hon'ble Supreme Court in Daxaben's case (supra), no case is made out to quash the FIR on the basis of the compromise.

Dismissed.

17.10.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No