

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(253)

CRM-M-38523-2018
Date of decision: - 19.09.2022

Harvinder Singh @ Harwinder Singh and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kushagra Mahajan, Advocate
for the petitioners.

Mr. Iqbal S. Mann, DAG, Punjab.

Mr. Arjunveer Sharma, Advocate
for respondent No.2.

VIKAS BAHL, J. (ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.349 dated 28.12.2016 under Section 306 IPC, registered at Police Station Sultanwind, District Amritsar and all other consequential proceedings arising therefrom on the basis of compromise.

The Hon'ble Supreme Court in **Criminal Appeals No.1061-1084 of 2022** titled as "**Daxaben Vs. The State of Gujarat and others**", ***decided on 29.07.2022***, has held as under: -

"xxx xxx xxx xxx

25. The only question in this appeal is whether the Criminal Miscellaneous Applications filed by the accused under Section 482 of the Cr.P.C. could have been allowed and an FIR under Section 306 of

the IPC for abetment to commit suicide, entailing punishment of imprisonment of ten years, could have been quashed on the basis of a settlement between the complainant and the accused named in the FIR. The answer to the aforesaid question cannot, but be in the negative.

xxx xxx xxx xxx

As held by the three-Judge Bench of this Court in Laxmi 23 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.

51. The appeals are allowed. The impugned orders of the High Court are set aside. The observations made in this judgment are not to be construed as any observation on the merits of the contentions of the respective parties."

A perusal of the above-said judgment would show that it was held therein that the High Court had no power under Section 482 Cr.P.C. to quash the FIR under Section 306 IPC on the basis of settlement/compromise. The Hon'ble Supreme Court had observed that the question before the Court was as to whether the FIR in question therein could be quashed on the basis of settlement between the complainant and the accused named in the FIR and the answer of the same was given in the negative. It was further observed that crimes like murder and even abetment to suicide are neither private nor civil in nature

and the said crimes are against the society and the FIR cannot be quashed on the basis of compromise, in such like cases. It was further observed that the FIR under Section 306 IPC cannot even be quashed on the basis of any financial settlement arrived at with the informant, surviving spouse, parents, children, guardians, care-givers or anyone else.

Since in the present case, the petitioners are seeking quashing of FIR solely on the basis of compromise, thus, the present petition, in view of ratio of law laid down in the above-said judgment, deserves to be dismissed and accordingly, the same is dismissed.

However, the liberty is granted to the petitioners to take all the pleas before the trial Court at the appropriate stage of the trial, in accordance with law.

September 19, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No