

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

269

CRM-M-25121-2021

Date of Decision: October 17, 2022

JOTU @ JOTUN

...Petitioner

Versus

STATE OF PUNJAB AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Gurpreet Singh Thind, Advocate
for the petitioner.

Mr. Mohinder Singh Joshi, Additional AG, Punjab.

AMAN CHAUDHARY, J.(Oral)

Status report by way of affidavit of Shubeg Singh, PPS, Deputy Superintendent of Police, Sub Division, Fazilka on behalf of respondents No.1 to 3 has been filed and the same is taken on record.

Learned State counsel submits that the offence under which the FIR has been registered is 306 IPC which cannot be compounded by way of compromise.

Learned State counsel relies on a judgement of Hon'ble the Supreme Court of India in the case of **Daxaben Vs. State of Gujarat and others, 2022 SCC online SC 936**. Relevant para 50 of the same reads thus:-

“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

CRM-M-25121-2021

:2:

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](#) Cr.P.C, quashed the proceedings on the sole ground that the disputes between the accused and the informant had been compromised.”

Faced with this, learned counsel for the petitioner prays for withdrawal of the petition.

Allowed as prayed for.

Dismissed as withdrawn.

October 17, 2022
rimpal

(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No