

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 292

CRM-M-32266-2020

Date of decision : 17.10.2022

Satpal and another

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Lupil Gupta, Advocate, for the petitioners.

Ms.Himani Arora, AAG, Punjab.

None for respondents No.2 to 4.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.129 dated 17.09.2020 registered under Section 306 IPC at Police Station City Rampura, District Bathinda on the basis of a compromise and affidavit of respondent No.2 both dated 22.09.2020 (Annexures P-2 and P-3).

In Daxaben vs. State of Gujarat and others (2022 SCC online SC 936) the Supreme Court held 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 (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."

(emphasis supplied)

As per the afore dictum laid down by the Supreme Court
an FIR registered under Section 306 IPC, being a heinous offence, cannot be

quashed by a High Court by exercising inherent powers under Section 482 Cr.P.C. on the basis of a compromise. Through the instant petition the petitioners pray for what has not been permitted by the Supreme Court. That being so, the relief, as prayed for by the petitioners, cannot be granted.

Dismissed.

17.10.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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