In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-30857-2019 (O&M)
Date of Decision:- 2.8.2022

Baljinder Kaur and others … Petitioners

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jagdeep S. Virk, Advocate for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

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GURVINDER SINGH GILL, J.

1. The petitioners seek quashing of FIR No. 62 dated 15.6.2018, Police Station Shri Hargobindpur, District Batala, under Section 306 IPC on the ground that matter has since been compromised with the complainant.

2. The FIR in question was lodged at the instance of Ruby wherein it is alleged that her brother Kuldeep Singh had committed suicide, being fed up with the conduct of his wife and other members of family of his in-laws, by consuming some poison.

3. The learned counsel for the petitioners has submitted that since the complainant i.e. Ruby has compromised the matter with the petitioners, therefore, there would be no use in proceeding with the trial of the case, as the same in every eventuality would be an exercise in futility.

4. I have considered the aforesaid submission.

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5. An offence under Section 306 IPC is one of the most heinous offences wherein a person himself ends his life, having been forced to do so. In any case, a complainant in such like cases would not have any *locus-standi* to compromise the case with the accused as the real victim is the deceased himself. This Court in an identical case i.e. *CRM-M-1054-2022 – Neelam Devi and another Vs. State of Punjab and another* wherein the petitioner sought quashing of FIR on the basis of compromise under Section 306 IPC, dismissed the same while observing that there cannot be any compromise with a dead man.

6. Recently, Hon'ble Supreme Court in *2022 LiveLaw (SC) 642 – Daxaben Vs. The state of Gujarat and others* has also authoritatively held that FIR in respect of an offence under Section 306 IPC cannot be quashed on the basis of compromise. It has been observed therein as follows :-

> "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."

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7. In view of the aforestated settled position, no ground is made out for quashing of the FIR for offence under Section 306 IPC on the ground of compromise.

8. The petition, as such, is sans merit and is hereby dismissed.

2.8.2022 **(Gurvinder Singh Gill)**
kamal **Judge**

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

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