

CRM-M No.42960 of 2021
Reserved on : 15.11.2021
Pronounced on: 03.02.2022

Bimla Kumari and others.....Petitioner(s)

Vs.

State of Punjab and another.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Arora, Advocate for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
119	01.08.2021	Sadar, District Police Commissionerate Jalandhar	306 IPC

The petitioner(s), arraigned as accused in the above captioned FIR, has come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the victim(s).

2. The gist of the allegations against the petitioner(s) is that the complainant (respondent No.2) made a statement before the police and based on such statement, the police registered the FIR captioned above. Needless to mention all the details and it is sufficient to say that the parties have entered into a compromise.
3. During the pendency of the petition, the accused and the complainant have compromised the matter, and its copy is annexed with this petition as Annexure P-2. After that, the petitioner(s) came up before this Court to quash the FIR, and in the quashing petition, the injured have been impleaded as respondent(s).
4. On the prayer of the parties in the present petition, the Court had permitted the parties to appear before the concerned Court to record their statements. As per the concerned Court's report, the complainant, without any threat, consented to the quashing of FIR and consequent proceedings.

ANALYSIS & REASONING:

5. It shall be appropriate to refer to the relevant portions of compromise deed, which is extracted as follows:

- “3. That we first party are in agreement with the compromise and incase second party file any bail or quashing petition before Sessions/Trial Court of in the Hon'ble Punjab & Haryana High Court then we all the family members would be bound to make statement in this behalf with regard to the compromise and would be bound to get the FIR cancelled.*
- 4. That from today onwards we first party do not want to initiate any legal action against the second party and we are bound to make statement in favour of second party. From today onwards, we will not file any court case or any complaint before police station or before any other authority or will not file any defamation case against each other.*
- 5. This compromise has been affected between both the parties with their mutual consent and free will without any force or pressure. The parties would be bound by the terms and conditions of the compromise. This compromise has been written so that it can be referred to in papers.”*

6. The complianant appeared before the Court of learned Additional Chief Judicial Magistrate, Jalandhar and on 09.11.2021, made the following statement on oath:

“Stated that I have heard the statements of petitioners/accused namely Bimla Kumari, Taro, Swarna, Resham Lal, Shinderpal @Shinda, Paramjit @ Pappu Halwai, Lucky Avinash, Vaani @ Babli & Reshma @ Rano, present in the Court, which are correct. I have compromised the matter with them, as per written compromise Annexure '1' (original thereof has already submitted before the Hon'ble High Court) with intervention of respectable, voluntarily, out of my free will, without any threat, coercion or pressure from any corner. I have no objection if present FIR may kindly be quashed.”

7. The reasons for which the parties had entered into compromise are not in consonance with the ratio of law laid down by the Hon'ble Supreme Court in quashing of serious offences like the present one.

JUDICIAL PRECEDENTS ON QUASHING UNDER SECTION 306 IPC:

8. In Nallari Sudha Rani vs. The State of Telangana and others in SLP (Crl.) Nos.2967-2968 of 2019, the Supreme Court holds as under:-

...“After hearing learned counsel for the parties, we are the considered opinion that the High Court has of committed a manifest error in allowing the application filed by the private parties and thereby permitting them to compound the offence in question. The private respondent Nos. 2 to 4 had been named as accused in connection with offence punishable under Section 306 of Indian Penal Code. We fail to understand as to how the High Court could have permitted the private parties to compound the said offence, which is a non-compoundable offence.

We are appalled to notice that even the public prosecutor appearing for the

State before the High Court, did not oppose that prayer. We say no more. Accordingly, we set aside the impugned order and direct that criminal petition No. 12089 of 2018 stands restored to the file of the High Court to its original number for being proceeded afresh on its own merits and in accordance with law.”

9. The contents of compromise deed and its objectives point towards its rejection, in the light of the Judicial precedents mentioned above.
10. **Petition dismissed in the terms mentioned above.**

(ANOOP CHITKARA)
JUDGE

Feb 03, 2022
anju rani

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