

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

(Sr. No. 125)

CRM-M No. 40460 of 2022

Date of decision : 12.09.2022

Shanky

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Kamal Chaudhary, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 482 Cr.P.C. the petitioner seeks quashing of FIR No.164 dated 05.06.2019 registered under Section 306 IPC at Police Station Chandimandir, Panchkula on the basis of a written compromise (Annexure P-2).

Since the impugned FIR pertains to a heinous offence, the same cannot be quashed on the basis of a written compromise and in support of such finding, the following observations of the Supreme Court in ***Daxaben Vs. State of Gujarat and others 2022 SCC OnLine SC 936*** may be usefully referred to :-

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

Dismissed.

12.09.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No