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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51497-2021

Date of Decision: February 09, 2022

Buta Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Sahil Jaswal, Advocate
for the petitioners.

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RAJESH BHARDWAJ, J.

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0285, dated 04.10.2021, under Section 306 IPC, registered at Police Station Jandiala, District Amritsar Rural, and all the subsequent proceedings arising therefrom on the basis of compromise, dated 02.12.2021, Annexure P-2.

As per the facts of the case, the present FIR was lodged on the statement of Gurmej Singh son of Mahinder Singh. It was alleged that he had three children. His son Sunny and two daughters, namely, Gurbinder Kaur and Rajbir Kaur, all were married. His daughter Gurbinder Kaur alias Soni, aged 26-27 years of age, was married approximately 7-8 years ago with Gurpreet Singh son of Buta Singh. His daughter Gurbinder Kaur alias

his daughter and beaten her up. She was thrown out of the house for not bringing sufficient dowry. His daughter often used to tell them that her in-laws always harass her and taunts her for not bringing the dowry as per their social status. On 04.10.2021 in the morning, his son-in-law Gurbinder Singh informed on phone that Gurprinder Kaur @ Soni has consumed something poisonous and died. On the same day, he rushed and reached Guru Ram Dass Hospital and saw his daughter dead. It was alleged that his daughter has committed suicide by consuming poison due to harassment caused by her father-in-law Buta Singh and husband Gurpreet Singh and hence, legal action be taken against them.

The Investigation Agency came into action and commenced the investigation. Counsel for the petitioners has contended that daughter of the complainant, i.e. respondent No.2, was married to petitioner No.2 about 7-8 years ago. The FIR in question was lodged due to some misunderstanding and now with the intervention of the respectable members of the society, the parties have compromised the matter. He has relied upon the various judicial precedents and has submitted that once both the parties have amicably settled the dispute, the prosecution of the petitioners will be total an abuse of the process of the Court and hence, in the interest of justice, the FIR be quashed.

Heard.

Admittedly, petitioner No.2 was married with daughter of respondent No.2 about 7-8 years ago before the occurrence. The allegations levelled by respondent No.2 are specific against the petitioners. During the course of arguments it is brought to the notice of this Court that the

investigation qua petitioner No.1 is pending, however, the investigation qua petitioner No.2 is complete and the challan already stands presented. There is not dispute regarding the judicial precedents quoted by the counsel for the petitioners, however, every case depends on its own facts and circumstances. The case in hand pertains to the offence of suicide committed by the daughter of respondent No.2. Hon'ble Supreme Court in Gian Singh vs State of Punjab and another (2012) 10 Supreme Court Cases 303 dealt with the issue and the earlier law settled by the Supreme Court for quashing of the FIR in State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335.

Para 61 of the judgment reads as under:-

“61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the

victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

As already discussed, the matter is still under investigation qua petitioner No.1. So far as the offence under Section 306 IPC is concerned, the same also falls beyond the scope of considering for invoking the inherent jurisdiction of this Court.

Weighing the facts and circumstances of this case on the anvil of the law settled by the Hon'ble Supreme Court, this Court finds that the case in hand does not qualify the parameters laid down by Hon'ble Supreme Court in Gian Singh's case (supra).

The petition being devoid of any merit is, hereby dismissed.

February 09, 2022
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |