

CRM-M-13649-2021 (O&M)

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260 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13649-2021 (O&M)
Date of Decision: 03.10.2023

Gurjeet Singh and others

..... Petitioners

Versus

The State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. S.P.S.Chakkal, Advocate,
for the petitioners.

Mr. Jaspal Singh Guru, AAG, Punjab,
for respondent No.1-State.

Ms. Gurmeet Kaur Dhillon, Advocate,
for respondent No.2.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of FIR No.210 dated 24.12.2019, registered under Sections 306 and 120-B of the Indian Penal Code, 1860, (for short, 'IPC'), at Police Station Lalru, District SAS Nagar, and all other consequential proceedings arising therefrom, on the basis of compromise arrived at between the parties.

2. Reply by way of affidavit of Gurbakshish Singh, PPS, Deputy Superintendent of Police, Sub-Division Derabassi, District SAS Nagar has been filed on behalf of the respondent-State. The same is taken on record.

3. Vide order dated 14.02.2022, the parties were directed to appear before the learned trial Court/Illaq Magistrate, for getting their statements

recorded; as to the genuineness of the compromise. In compliance thereof, report of the Civil Judge (Junior Division), Dera Bassi, dated 23.03.2022, has been received, wherein, it has been recorded that the parties have compromised the matter. However, learned counsel for the respondent-State has relied upon the judgment rendered by the Hon’ble Supreme Court in the case of **Daxaben Vs. State of Gujarat and others, 2022 AIR (Supreme Court) 3530**, wherein it has been held by the Supreme Court that the offence under Section 306 IPC is non-compoundable and that the same cannot even be quashed while exercising powers under Section 482 Cr.P.C.

4. Learned counsel for the petitioners has not been able to controvert the assertion and the arguments raised by learned counsel for the State by citing any judgment to the contrary.

5. In view of the above, following the law laid down by the Supreme Court rendered in ***Daxaben's case*** (supra), this Court finds that since the offence involved in this case is under Section 306 IPC, therefore, the same cannot be quashed on the basis of compromise between the parties, particularly, when the deceased himself had named the petitioner as an accused in the suicide note.

6. The present petition is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

03.10.2023
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No