

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-26372-2023 (O&M)

Date of Decision : 06.11.2023

JARNAIL SINGH AND ANOTHER

...Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Dinesh Sharma, Advocate and
Mr. Nikhil Mittal, Advocate for the petitioners.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana-respondent No.1.

None for respondents No.2 and 3.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.682 dated 10.12.2022 registered at Police Station Jagadhri City under Sections 34 and 306 of the Indian Penal Code, 1860, along with all consequential proceedings arising therefrom, on the basis of a compromise and supporting affidavits (Annexures P-2 to P-4) arrived at between the parties.

2. Learned counsel for the petitioners would contend that the parties have since compromised the matter and the compromise has been duly signed by the husband and the daughter of Gurpreet Kaur (since deceased) as party No.1 and by the father-in-law and brother-in-law (Jeth) of the deceased as party No.2. Learned counsel for the petitioners has relied

upon the judgment dated 02.02.2022 delivered by this Court in **CRM-M-36570-2021** titled as '**Rajbir Singh & Ors. Vs. State of Punjab & Anr.** '.

3. Learned counsel for the State, while referring to the reply dated 30.10.2023 filed by way of an affidavit of the Rajesh Kumar, Deputy Superintendent of Police, Yamuna Nagar, has stated that the FIR was lodged on the statement of Gurpreet Kaur (since deceased) which was recorded by ASI Jasmer Singh in the presence of Dr. Rahul wherein she has specifically named her mother-in-law/Karnail Kaur; father-in-law/Jarnail Singh; brother-in-law/Joginder Singh (Jeth) and Harvinder Singh son of Joginder Singh. On the basis of the statement made by the deceased, who died shortly after making her statement, the present FIR was lodged. While relying upon the judgment rendered by the Hon'ble Supreme Court in **SLP (Crl.) No.1132-1155 of 2022** titled as '**Daxaben Vs State of Gujarat & Ors.**' [**AIR 2022 SC 3530**] and by this Court in **CRM-M-1054-2022** titled as '**Neelam Devi & Anr. vs State of Punjab & Anr.**' decided on **01.04.2022**, learned counsel for the State contend that the FIR under Section 306 IPC cannot be quashed on the basis of any settlement with surviving spouse, parents, children, guardians, care-givers or anyone else.

4. Heard.

5. In the present case, on 10.12.2022 an information was received that one Gurpreet Kaur (since deceased) was admitted in Sharma Hospital, Jagadhri as a case of having consumed poison. After receipt of the information, ASI Jasmer Singh along with other police officials reached there and collected the medical ruqa and MLR of Gurpreet Kaur (since deceased). The Doctor intimated that the medical condition of Gurpreet Kaur

(since deceased) is serious. ASI Jasmer Singh telephonically intimated Dr. Mohini, Judicial Magistrate 1st Class, Jagadhri/Duty Magistrate and requested her to come at the spot to record the statement of Gurpreet Kaur (since deceased) under Section 164 of CrPC. However, the doctor informed that the condition of Gurpreet Kaur (since deceased) had been deteriorating. Because of this, statement of Gurpreet Kaur (since deceased) was recorded by ASI Jasmer Singh in the presence of Dr. Rahul. In her statement, Gurpreet Kaur (since deceased) has stated that they have agricultural land in Village Talheri. Her mother-in-law/Karnail Kaur wife of Jarnail Singh; father-in-law/Jarnail Singh son of Gurbachan Singh; brother-in-law/Joginder Singh (Jeth) son of Jarnail Singh and Harvinder Singh son of Joginder Singh refused to give share in the land due to which she was in depression and being depressed she consumed tablets of Salfas at about 3 pm on 10.12.2022 at her house in Manohar Colony, Jagadhri. Dr. Rahul attested the statement of Gurpreet Kaur (since deceased) and thereafter Gurpreet Kaur is stated to have expired.

6. The present petition has been filed for quashing of the FIR on the basis of a compromise entered into by the parties. The FIR was lodged on the basis of the statement made by the deceased herself. That being so, the question of compromise having been effected on behalf of the deceased does not hold ground. There cannot be any compromise with a dead person. The Hon'ble Supreme Court in Daxaben's case (supra) has held as under :

“50. In our considered opinion, the Criminal Proceeding cannot be nipped in the bud by exercise of

jurisdiction under Section 482 of the CrPC 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, caregivers 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 CrPC, quashed the proceedings on the sole ground that the disputes between the accused and the informant had been compromised.”

7. The judgment relied upon by the learned counsel for the petitioners in the case of Rajbir Singh & Ors. Vs. State of Punjab & Anr.

would be of no avail inasmuch as it has been categorically held by the Hon'ble Apex court in Daxaben's case (supra) that an FIR under Section 306 of IPC cannot be quashed on the basis of a compromise.

8. In view of the above, I do not find any merit in the present petition and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

06.11.2023

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO*