

CRM-M-49402-2021

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49402-2021
Reserved on : 15.02.2023
Pronounced on: 14.03.2023

Hardeep SinghPetitioner

Vs.

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

Mr. Dinesh Maurya, Advocate for respondent No.2.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
150	21.12.2019	Nurpur Bedi, District Rupnagar	304 & 34 IPC

The petitioner, 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 aggrieved person.

2. During the pendency of the petition, the accused and the aggrieved person have compromised the matter, and its copy is annexed with this petition as Annexure P-3.
3. After that, the petitioner came up before this Court to quash the FIR, and in the quashing petition, impleading the aggrieved person as respondent.
4. This court had asked the parties to appear before the concerned court and had asked the said court to give its report as per the format. The report reads as follows:

Name of the reporting Court	Sh. Harish Anand, Additional Sessions Judge, Rupnagar
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CRM-M-49402-2021

FIR No.	Dated	Police Station	Sections
150	21.12.2019	Nurpur Bedi, District Rupnagar	304 & 34 IPC

Criminal Case no. before trial Court	SC-121-29.10.2021
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1.	Names of the complainant/ victims(s)/ aggrieved persons(s)	Harpreet Kaur, Gurcharan Singh
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	31.01.2023
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	No
6.	Names of the accused person(s)	Ravish Kumar, Kaka s/o Jaswinder Singh, Taj Mohd @ Raju s/o Abdul Hamid, Sukhwinder Singh @ Happy s/o Sukhdev Singh, Hardeep Singh s/o Amrik Singh
7.	Dates on which the statement(s) of the accused persons(s) recorded	31.01.2023
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	No, Hardeep Singh s/o Amrik Singh has effected compromise with the complainant and her husband
9.	Whether proclamation proceedings are pending against any accused?	No
10.	Has the police report been filed or not?	yes
11.	Notice of accusation /Charges have been framed or not?	yes
12.	Sections of statutes invoked in the matter	304, 120-B & 34 IPC
13.	Whether the court is satisfied with the genuineness of the compromise?	Yes

ANALYSIS & REASONING:

5. The State’s counsel has severely opposed this compromise and seeks dismissal of the petition because of the heinous nature of the offence.

6. In Daxaben vs. State of Gujarat and others 2022 LiveLaw(SC) 642, the Hon’ble Supreme Court holds 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 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 & 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, 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 CrPC, quashed the proceedings on the sole ground that the disputes between the accused and the informant had been compromised.”

7. The offences are under section 304 IPC, and the deceased's family members did not get any opportunity to communicate with the deceased before his death about forgiving the accused or giving them a pardon. The contents of the compromise deed and its objectives point towards its rejection in the light of the Judicial precedents mentioned above.
8. Although this court has rejected the compromise; however, the fact remains that the interested parties had compromised the matter. As such, this court requests learned trial court to expedite the trial. Parties to bring this request to the notice of the concerned Magistrate.

Given above, the present petition is dismissed in the terms mentioned above. All pending applications, if any stand disposed of.

(ANOOP CHITKARA)
JUDGE

14.03.2023
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Whether speaking/reasoned: Yes

Whether reportable: **No.**