

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 57850 of 2022
Reserved on 16.01.2023
Pronounced on: 30.01.2023

Sheelo Devi and othersPetitioners

Vs.

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shiv Kumar Sharma, Advocate for the petitioners/

Mr. Harsimar Singh Sitta, DAG, Punjab.

Ms. Tejaswini Yadav, Advocate for respondent No.2

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
0106	22.08.2022	City Dhuri, Distt. Sangrur	304, 34 IPC and 29 of NDPS Act, (Sections 21, 31, 61, 85 NDPS added later on)

The petitioners, arraigned as accused in the above captioned FIR, have come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on a 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-2.

3. After that, the petitioner came up before this Court to quash the FIR, and in the quashing petition, the aggrieved person has been impleaded as respondent.

4. This court vide order dated 12.12.2022 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	SDJM, Dhuri
Criminal Case no. before trial Court	-

1.	Names of the complainant/ victims(s)/ aggrieved persons(s)	Rani w/o Rajesh Kumar
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	23.12.2022
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes. Complainant was identified by Sh. DS. Dalee Advocate
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)	i) Sheelo ii) Maya iii) Jagtar @ Jagtar Singh iv) Babbu @ Rakesh v) Deepa @ Mandeep Singh vi) Vicky singh
7.	Dates on which the statement(s) of the accused persons(s) recorded	23.12.2022
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes
9.	Whether proclamation proceedings are pending against any accused?	No
10.	Has the police report been filed or not?	No
11.	Notice of accusation /Charges have been framed or not?	No
12.	Sections of statutes invoked in the matter	304, 34 IPC and 29, 21, 31, 61, 85 NDPS added later on)
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 the present case, the offences under section 304 of Indian Penal Code, 1860 (IPC) and that under NDPS Act are not compoundable under Section 320 of Code of Criminal Procedure, 1973 (CrPC). However, in the facts and circumstances peculiar to this case, the parties have not mentioned any reason which led to settlement of dispute, how were their relations on the date of affidavit and statement, what social objective would by disrupting the motion of criminal prosecution. Thus, based on the nature of compromise papers and the contents of statement of the victim, where it was stated that with the intervention of the people of locality, the mater was compromised, because they reside in near by locality is not

sufficient to accept the compromise.

7. A perusal of the reasons for settlement as mentioned in the compromise deed, Annexure P-2, is also formal, and no reasons for carving out an exception is made out for disruption of the criminal trial in a serious matter.

8. Given the terms of compromise, placement of parties, and other factors peculiar to the case, the contents of the compromise deed and its objectives point towards its rejection.

9. Although this court has rejected the compromise; however, the fact remains that the interested parties had compromised the matter. Given this, trial be expedited.

Petition dismissed in the terms mentioned above. All pending application(s), if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

30.01.2023
sonia arora

Whether speaking/reasoned: Yes
Whether reportable: **No.**