

CRM-M-59773-2022

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-59773-2022

Date of decision : 15.05.2023

Dinesh @ Laddi

.... Petitioner

Versus

State of Punjab and Another

.... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Shiv Charan Bhola, Advocate
for the petitioner.

Mr. Mohinder Singh Joshi, Additional A.G. Punjab.

Mr. Naresh Chander, Advocate
for respondent No. 2.

AMARJOT BHATTI J. (ORAL)

1. Dinesh @ Laddi has filed petition under Section 482 of Cr.P.C. for quashing of FIR No. 249 dated 01.07.2017, under Section 306 of I.P.C. registered at Police Station Basti Jodhewal, Ludhiana and its subsequent proceedings on the basis of compromise deed dated 16.12.2022, Annexure P-2.

2. The facts of the case are that the complainant – Neelam gave her statement that she is mother of four children. Her eldest son Ashu, aged about 18 years and Anuradha daughter of Ashok Kumar *Halwai* were friends. She offered matrimonial match of her son for the daughter of Ashok Kumar but he refused. Ashok Kumar filed a complaint at Police Station Salem Tabri that Ashu was harassing his daughter and was sending her messages. The matter was compromised between them at Police Station Salem Tabri. Even after the said

compromise, Anuradha daughter of Ashok Kumar used to call her son and was sending messages to him. On 14.05.2017, two unidentified youth waylaid her son in front of the shop of Amar *Halwai*. They pulled his cycle at the instance of Ashok Kumar. His son returned home and he was upset about the aforesaid incident. The neighbours were also harassing her and her daughter Niharika alias Sibbu, aged about 17 years. The said Anuradha was sending messages on her phone and it was shown to Gurdev. He told her to delete the said messages. Thereafter, Gurdev and Ashok Kumar started giving threats on phone that they would kidnap her daughter Niharika alias Sibbu. On reading those messages, her daughter was upset. On that day, at about 06:00 P.M. she committed suicide by hanging from ceiling fan of their house. She took this grave step due to the harassment caused to her by Ashok Kumar, Gurdev, Ushal and Laddi Karyana Wala. On these allegations, the FIR was registered.

3. The learned counsel for the petitioner argued that with the intervention of respectables of both the parties, the matter has been compromised on 16.12.2022. The compromise deed is Annexure P-2. In this case, the other persons named by the complainant were not challaned. Now Usha has expired. The petitioner has not been declared as Proclaimed Offender in this case. The affidavit of the present petitioner is Annexure P-3. The complainant i.e. respondent No. 2 is also ready to give her statement in the Court on the basis of compromise deed dated 16.12.2022, Annexure P-2. She does not want to pursue the present case. In support of this petition, the learned counsel for the petitioner has relied upon the authority of Coordinate Bench in **CRM-M No. 9321 of 2010 decided on 25.02.2011** in case titled as **“Sucha Singh and Others Versus State of Punjab and Another”**, where the FIR under Section 306 of I.P.C. was quashed by holding

that there was no instigation, no intentional aid or illegal omission on the part of accused persons. The matter was amicably settled between the parties. It was further held that the compromise will help the family to resume normal life and the FIR was accordingly quashed. The other judgments passed by Coordinate Benches are also relied upon. It is argued that since the matter has been compromised, therefore no purpose would be served with the continuation of trial. Therefore, the aforesaid FIR may be quashed after recording statements of the concerned parties.

4. Notice of petition was given to the respondents. Mr. Naresh Chander, Advocate appeared on behalf of respondent No. 2 and he did not oppose the present petition for quashing of FIR on the basis of compromise.

5. The counsel representing the State filed detailed status report taking the stand that during the investigation of the case, the police had recovered a suicide note written in Hindi by deceased Niharika and it was taken into police possession. The said suicide note was sent to Forensic Science Laboratory for comparison with her handwriting. The report of Forensic Science Laboratory was also received which is indicating that the questioned and standard writing of common authorship. After the investigation of the case, challan is already presented. The other co-accused Ashok Kumar and Gurdev were declared innocent. Therefore, the charge was framed only against the present petitioner and co-accused Usha. Now the case is fixed for prosecution evidence. The learned counsel representing the State argued that the petitioner is not entitled to any relief from this Court as he has committed heinous crime and even our Hon'ble Supreme Court of India has held that compromise in heinous crime is not valid, therefore the petition filed by the petitioner may be dismissed. In support of this argument, the learned counsel representing the State has relied upon the authority of **The**

Supreme Court of India in Criminal Appeal No. 1061 of 2022 arising out of SLP No. 1132-1155 of 2022 decided on 29.07.2022, titled “Daxaben Versus State of Gujarat & Ors.” where in a similar case under Section 306 of I.P.C. the FIR was not quashed on the basis of any financial settlement with the informant, surviving spouse, parents, children, guardians, care-givers or anybody else. The appeals were allowed and the impugned orders of The High Court were set aside. It is prayed that petition filed by the petitioner on the basis of comprise may kindly be dismissed.

6. I have considered the arguments and have gone through the record carefully. In this case, the FIR was registered on the statement of complainant Neelam who is the mother of the deceased victim. As per the contents of FIR, the complainant, her son Ashu and daughter Niharika alias Sibbu were being harassed by Ashok Kumar and their neighbours. They were sending threatening messages to kidnap the daughter of the complainant i.e. the victim. After reading those messages, she became upset and on 01.07.2017 at about 06:00 P.M. she committed suicide by hanging from ceiling fan. The status report reveals that challan was presented against Dinesh alias Laddi and co-accused Usha, whereas the other accused Ashok Kumar and Gurdev were declared innocent. The trial in this case has already commenced. The challan is already presented and after framing of charge-sheet, the case is fixed for prosecution evidence. The details of status report further reveal that during investigation of the case, one handwritten suicide note of the victim was also recovered which was sent to Forensic Science Laboratory for the purpose of comparison of handwriting and the report of Forensic Science Laboratory has come in favour of the prosecution. Now, the petitioner has filed the present petition for quashing of FIR on the basis of

Panchayati Compromise dated 16.12.2022, which is Annexure P-2 allegedly signed by the petitioner – Dinesh, Neelam – respondent No. 2 and two witnesses and attested by Notary Public.

In the case in hand, one young girl lost her life. It was a case of unnatural death and she has allegedly written a suicide note. The offence under Section 306 of I.P.C. falls in the category of heinous offence and it is a crime against the society. The facts of the case, nature of offence and the surrounding circumstances has to be considered. Moreover, the trial in this case has already commenced. The inherent jurisdiction of the High Courts under Section 482 Cr.P.C. has to be exercised carefully to secure the ends of justice or to prevent abuse of the process of the Court. Therefore, in the light of aforesaid facts, I do not find merits in the petition filed by the petitioner seeking quashing of FIR No. 249 dated 01.07.2017, under Section 306 of I.P.C. registered at Police Station Basti Jodhewal, Ludhiana and its subsequent proceedings on the basis of compromise deed dated 16.12.2022. It is for the trial Court to decide the case on merits after recording of evidence.

The petition is accordingly, declined.

(AMARJOT BHATTI)
JUDGE

15.05.2023
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No