

CRM-M-1118-2024

271 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-1118-2024 (O&M)

Date of Decision: 14.02.2024

RAMA KUMARI AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ramnik Singh, Advocate for
Mr. Harpreet Singh Rakhra, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Ramandeep Singh, Advocate for
Mr. Gurvinder Kaur, Advocate for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 53 dated 14.04.2022 registered under Section 306 of Indian Penal Code at Police Station Sultanwind, District Police Commissionerate Amritsar and all subsequent proceedings arising therefrom in view of the compromise 26.12.2023 (Annexure P-2).

2. The following order was passed on 10.01.2024:

“The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 53 dated 14.04.2022 under Section 306 of Indian Penal Code registered at Police Station Sultanwind, District Police Commissionerate Amritsar (Annexure P-1) on the basis of compromise dated 26.12.2023 (Annexure P-2).

Learned counsel for the petitioners inter alia contends that no offence under Section 306 IPC is made out as no specific instance or circumstance is discernible to breach the threshold of Section 107 IPC to make a case of

abetment against the petitioners to make them liable under Section 306 IPC. As such when the offence itself is not made out under Section 306 IPC, the quashing of the FIR on the basis of compromise can be allowed. Reliance in this regard is placed upon Satish Kumar Bhargav and others vs. State of Punjab and another, 2016(2) RCR (Criminal) 103, Varinder Kumar @Bit and others v. State of Punjab and another CRM-M-13053-2017 decided on 22.08.2019, Amar Nath v. State of Punjab and another CRM-M-12158-2018 decided on 09.05.2019 and Nirmaljit Singh and others v. State of Punjab and another CRM-M-50641-2021 decided on 10.04.2023 to contend that quashing of the FIR registered under Section 306 IPC based on compromise can be allowed.

Notice of motion.

At this stage, on the asking of the Court Mr. Subhash Godara, Addl. A.G. Punjab accepts notice on behalf of respondent No.1-State and Ms. Gurvinder Kaur, Advocate accepts notice on behalf of respondent No. 2 and files her Power of Attorney and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

The parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks or any other date convenient to concerned Court to get their statements recorded regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the petitioners on or before the date fixed i.e. 14.02.2024.

A copy of the order be sent to the learned trial Court/Illaq Magistrate through fax for compliance.”

3. In compliance of the above order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone.

4. In view of the compromise and the ratio of law laid down by the Hon’ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466, Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834 and Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 53 dated 14.04.2022 registered under Section 306 of Indian Penal Code at Police Station Sultanwind, District Police Commissionerate Amritsar and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

14.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No