



232 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17236-2024
Date of decision: 09.05.2024

CHARAN DASS @ HAPPY AND OTHERS

...PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kamal Jindal, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Ms. Simran, Advocate for
Mr. Amandeep Punia, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.76 dated 24.02.2024 under Sections 306/34 of IPC registered at Police Station City Mandi Dabwali (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise/affidavit (Annexure P-2)

2. The following order was passed on 08.04.2024 :-

“xxx...

This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.76 dated 24.02.2024 under Sections 306/34 of IPC registered at Police Station City Mandi Dabwali (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise/affidavit (Annexure P-2).

Learned counsel for the petitioner inter alia submits that the ingredients of Section 306 of IPC are not made out from the allegations. There is no specific instance of instigation to satisfy the ingredients of Section 107 of IPC to make the petitioner liable



for the offence under Section 306 of IPC. He further relies upon the ratio of law as laid down in the judgment of the Hon'ble Supreme Court passed in 'The State of Madhya Pradesh Vs. Laxmi Narayan and others' 2019 (5) SCC 688 to contend that once the prima facie offence under Section 306 of IPC is not made out, there is no embargo for quashing of FIR (supra) on the basis of compromise.

Notice of motion for 09.05.2024.

At this stage, on the asking of the Court, Ms. Geeta Sharma, DAG, Haryana accepts notice on behalf of respondent No.1-State. Copy of the paper book be supplied to her during the course of day. Learned counsel for the petitioners undertakes to secure the presence of respondent No.2 before the learned trial Court at the time of recording the statement.

Service is complete.

In the meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate within two weeks from today or any other date convenient to the trial Court/Illaq Magistrate, 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 party on or before the date fixed i.e. 09.05.2024.

A copy of the order be sent to 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



CRM-M-17236-2024

3

Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052, this petition is allowed and FIR No.76 dated 24.02.2024 under Sections 306/34 of IPC registered at Police Station City Mandi Dabwali (Annexure P-1) and all subsequent proceedings arising out of the same are quashed, qua the petitioners.

May 09, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No