

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

257

CRM-M-47880-2023

Date of Decision: 07.08.2024

Bharti Yadav and another

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Punit Malik, Advocate for the petitioners.

Mr. Aditya Pal Singla, AAG, Haryana.

Ms. Santosh Bhardwaj, Advocate for
Mr. Karan Garg, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 464 dated 28.08.2018 (Annexure P-1) registered under Sections 34, 306 IPC at Police Station Sector-10, Gurugram and all consequential proceedings arising therefrom, on the basis of compromise deed dated 06.07.2023 (Annexure P-2), arrived at between the parties.

On 15.05.2024, when this case was listed for hearing, following detailed order was passed by this Court:-

“Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 464 dated 20.08.2018 (Annexure P-1) registered under Sections 34, 306 IPC at Police Station Sector 10, Gurugram and all consequential proceedings arising therefrom, on the basis of compromise deed dated 06.07.2023 (Annexure P-2) arrived at between the parties.

At the very outset, it was pointed out by this Court that in an FIR of such nature wherein offence is under Section 306 IPC, the same cannot be quashed on the basis of compromise. In this regard, learned counsel for the



*petitioners has referred to judgments passed by coordinate Bench of this Court in **CRM-M-56201-2023** titled as **Jaswinder Kaur and another vs. State of Punjab and another**, decided on 14.02.2024, **CRM-M-1118-2024** titled as **Rama Kumari and others vs. State of Punjab and another**, decided on 14.02.2024, **CRM-M-52824-2019** titled as **Miyan Manjit @ Manjit Khan and another vs. State of Punjab and another**, decided on 17.04.2023; judgment passed by High Court of Delhi in **Crl. M.C. 3383/2022** titled as **Vipin Suneja vs. State of NCT Delhi and others**, decided on 01.08.2022; and another judgment passed by High Court of Gujarat in **R/Criminal Misc. Application No. 4056 of 2023** titled as **Ashik Govindbhai Patel vs. State of Gujarat**, decided on 24.02.2023, wherein in similar circumstances, an FIR registered under Section 306 IPC has been quashed on the basis of compromise.*

Learned counsel for the petitioners submits that the facts and circumstances of this case are very peculiar and, therefore, the present FIR may be quashed on the basis of compromise. It is submitted that the petitioner No.1 is the daughter of petitioner No.2; and the petitioner No. 1 is the wife; and petitioner No.2 is the mother-in-law of the complainant/respondent No.2 herein. The deceased was the mother of the complainant and mother-in-law of the petitioner No.1. The petitioner No. 1 was married to the complainant on 23.04.2014. As the complainant was a resident of Australia, the petitioner No.1 and complainant left for Australia on 04.05.2014 i.e. within few days of the marriage. Thereafter, petitioner No.2 and the deceased came to Australia on 16.06.2017 as the petitioner No.1 was pregnant. One daughter was born to the petitioner No. 1 and complainant on 19.06.2017 in Australia. Thereafter, the deceased came back to India on 10.07.2017. It is stated that after five months of her return i.e. on 11.03.2018, the deceased/mother-in-law of petitioner No. 1 committed suicide. Learned counsel submits that thus, the allegations made in the FIR by the husband of petitioner No.1 are on the face of it far-fetched and improbable as, it is after five months of her return to India that the deceased committed suicide. It is stated that the petitioners have nothing to do with the said incident. Furthermore, it is pointed out that date of incident of suicide is 11.03.2018. However; the FIR has been registered after more than five months i.e. 20.08.2018. The parties have filed a petition under Section 13-B of the Hindu Marriage Act on 06.07.2023 (Annexure P-3), and in order to live peacefully, parties have entered into compromise, according to which, both the parties have agreed not to proceed further with the FIR in question.



Further, it is submitted that the present petitioners are the only accused in the present case and they have never been declared as proclaimed offenders.

Notice of motion.

On the asking of Court, Mr. Ranvir Singh Arya, Additional Advocate General, Haryana accepts notice on behalf of respondent No.1-State; whereas Mr. Karan Garg, Advocate who is present in Court accepts notice on behalf of respondent No.2 and undertakes to file vakalatnama in the Registry within a period of two weeks from today.

Reply by way of affidavit of the Assistant Commissioner of Police, West, Gurugram, Haryana has been filed by learned counsel for the State on 03.05.2024/06.05.2024.

Learned counsel for the State submitted that it was on account of bad treatment meted out to the deceased by the petitioners in Australia that she went into depression and committed suicide. He, however, admits that there is no medical evidence available in this regard.

Learned counsel for respondent No.1-State as well as learned counsel for respondent No.2 have not disputed the aforesaid submissions made by learned counsel for the petitioners and the factum of compromise effected between the parties.

In view of the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise dated 06.07.2023 (Annexure P-2) on 29.05.2024 or any other date convenient to the learned trial Court/Illaq Magistrate, by moving an appropriate application or by presenting this order.

The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing i.e. 07.08.2024 containing the following information:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.*

A copy of the report be sent through FAX, to the Registrar (Judicial) of this Court.”



Thereafter, an application bearing CRM-26730-2024 was moved by the applicant-petitioners seeking permission to record the statement of petitioner No. 1-Bharti Yadav, through video conferencing who is stated to be doing job in Australia and living there. The said application was allowed by this Court vide order dated 10.07.2024.

Pursuant to the orders dated 15.05.2024 and 10.07.2024 passed by this Court, the parties (petitioner No. 1-Bharti Yadav through Whatsapp video conferencing) have appeared before the learned Additional District and Sessions Judge, Gurugram, to get their statements recorded. Learned Additional District and Sessions Judge, Gurugram, has submitted his report along with statements of the parties vide letter dated 25.07.2024 duly forwarded by the learned District and Sessions Judge, Gurugram.

A perusal of the above said report would show that the petitioners and respondent No. 2 have appeared before the learned trial Court and suffered statements with respect to the compromise which have been found to be genuine, voluntary and without any coercion and undue influence.

Learned State counsel has stated that he has 'no objection' in case the FIR is quashed on the basis of compromise qua the petitioners.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned Additional District and Sessions Judge, Gurugram and also keeping in view the reasons recorded by this Court in the detailed order dated 15.05.2024,

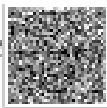


reproduced above, this Court finds that the matter has been amicably settled between the petitioners and respondent No. 2. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in ***“Kulwinder Singh and others Vs State of Punjab”, 2007 (3) RCR (Criminal) 1052***, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble Apex Court in the case of ***“Gian Singh Vs. State of Punjab and another”, 2012 (4) RCR (Criminal) 543***, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced here-in-below:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power



is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.”

In view of what has been discussed here-in-above, this petition is allowed and FIR No. 464 dated 28.08.2018 (Annexure P-1) registered under Sections 34, 306 IPC at Police Station Sector-10, Gurugram and all consequential proceedings arising therefrom, on the basis of compromise deed dated 06.07.2023 (Annexure P-2), arrived at between the parties, are ordered to be quashed qua the petitioners only.

07.08.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No