

267 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-56201-2023 (O&M)

Date of Decision: 14.02.2024

JASWINDER KAUR AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Saini, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG Punjab.

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. 0372 dated 22.10.2019 registered under Section 306 of Indian Penal Code at Police Station Phillaur, District Jalandhar, Punjab and all subsequent proceedings arising therefrom in view of the compromise dated 30.04.2022 (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. 0372 dated 22.10.2019 under Section 306 of Indian Penal Code registered at Police Station Phillaur, District Jalandhar, Punjab (Annexure P-1) and all other subsequent proceedings on the basis of compromise dated 30.04.2022 (Annexure P-2).

Learned counsel for the petitioners inter alia contends that the marriage between petitioner No. 1 and respondent No. 2 was performed on 05.05.2019 and father of respondent No. 2 had committed suicide on 19.10.2019 and there is no specific instance or allegation in the FIR which could remotely suggest that the petitioner can be held liable for abetment to commit suicide by father of respondent

No. 2. The ingredients of Section 306 IPC are clearly missing. There is no evidence on record which could cover the case under abetment provided under Section 107 IPC, as such, no case under Section 306 IPC is made out. Reliance has been 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.

Learned counsel for the petitioners undertakes to secure the presence of respondent No. 2 before the learned trial Court at the time of recording of the statement.

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 Le. 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

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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. 0372 dated 22.10.2019 registered under Section 306 of Indian Penal Code at Police Station Phillaur, District Jalandhar, Punjab 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