
(2019) 01 P&H CK 0407

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 57367 Of 2018 (O&M)

Chandni And Others

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 11-01-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 320, 482
Indian Penal Code, 1860 — Section 34, 306

Citation : (2019) 01 P&H CK 0407

Hon'ble Judges : Inderjit Singh, J

Bench : Single Bench

Advocate : Nakul Sharma, Mandeep Singh

Final Decision : Dismissed

Judgement

Inderjit Singh, J

This petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.183 dated 09.09.2018 (Annexure-P.1) registered for the offences under Sections 306 and 34 IPC at Police Station G.R.P. Jalandhar, District Jalandhar and subsequent proceedings arising therefrom, as the matter has been compromised between the parties vide compromise dated 13.12.2018 (Annexure-P.2).

I have heard learned counsel for the petitioners and have gone through the record.

The present FIR has been got registered for the offences under Sections 306 and 34 IPC by Prabha Sahni mother of Rohit Sahni (since deceased) against the present petitioners.

The brief facts of the case are that complainant's son Rohit Sahni got married with Chandni daughter of Gurmeet Singh Dhalla. After some days of marriage, her son Rohit told her that Chandni and her family members harassed him a lot. After some days, her daughter-in-law Chandni created tribulation in the house

and called her parents on phone, who abused her son in her presence. After getting understood, they sent parents of Chandni. But after some days, again Chandni called her parents and other relatives at their house and they started abusing. Upon which, complainant's brother Rajinder Kumar, brother-in-law Sunil Kumar and other family members tried to understand the parents and brother of Chandni. On 08.09.2018, complainant's daughter-in-law Chandni again quarreled at home and called her parents and brother, who came to their house and said to her son, to go someway and die. Even all residents of Mohalla also gathered there. The complainant was told by her son Rohit after taking her aside that they insulted and humiliated him before the residents of Mohalla and relatives, so, now it is better to die than living such life. He is very fed up of his in-laws family. After that he went away from home and did not return back and they searched him for whole night. On 09.09.2018, in the morning, they came to know that complainant's son died by coming under train. Her son has committed suicide due to harassment suffered from the hands of his wife Chandni, father-in-law Gurmeet Singh Dhalla, mother-in-law Laddi and brother-in-law Rahul, who are responsible for the death of her son.

Keeping in view the nature and gravity of the offences and the fact that Rohit Sahni had already died and the compromise is stated to be with mother of Rohit Sahni (since deceased) and in view of the law laid down by the Hon'ble Supreme Court in *Gian Singh v. State of Punjab and another*, 2012 (4) RCR (Cr.) 543, this FIR is not liable to be quashed. The Hon'ble Supreme Court in the above case after discussing the law on the point has been held as under:-

"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 what cases power to quash the criminal proceeding or complaint or F.I.R. may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc., cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences

arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

After going through the above findings of the Hon'ble Supreme Court, I find that the present offence is a heinous and serious offence and keeping in view the nature and gravity of the crime, I do not find it a fit case where the FIR should be quashed on the ground of compromise.

In my view, in such type of cases, it is not in the interest of justice to quash the FIR. In no way, the continuation of the criminal proceedings would tantamount to abuse of the process of law. Rather, it would be unfair to quash the proceedings in such type of serious cases only on the basis of compromise, it will send wrong signal to the society.

Keeping in view the facts and circumstances of the present case and the law laid down by Hon'ble Supreme Court, I do not find it a fit case where the FIR should be quashed. Therefore, the criminal miscellaneous petition is dismissed.