

Malkeet Singh and Others Vs State of Punjab and Another

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Nov. 8, 2012

Acts Referred: Criminal Procedure Code, 1973 (CrPC) â€” Section 482
Penal Code, 1860 (IPC) â€” Section 116, 306

Hon'ble Judges: Paramjeet Singh, J

Bench: Single Bench

Advocate: R.K. Girdhar, for the Appellant; Gurinderjit Singh, DAG, Punjab and Mr. Pankaj Sothra, Advocate, for the Respondent

Final Decision: Allowed

Judgement

Paramjeet Singh, J.

Present petition has been filed by Malkeet Singh and others u/s 482 Cr.P.C. for quashing of FIR No. 18 dated

27.02.2012, under Sections 306/116 IPC, registered at Police Station City Malout, District Sri Muktsar Sahib, and all subsequent proceedings

arising therefrom, on the basis of compromise dated 17.09.2012 (Annexure P/2). Learned counsel for the petitioners contends that the alleged

person is alive, still case for offence u/s 306 IPC has been registered. Learned counsel for the petitioners has relied upon a judgment of this Court

in the matter of Bhupinder Kaur vs. State of Punjab and another, 2004 (2) RCR (Cri.) 443 to contend that there is no reasonable likelihood of the

accused being convicted for the offence for the reason that the complainant has compromised the matter with the accused and he is not likely to

support the prosecution and from other facts and circumstances available on the record, therefore, it would not be in the interest of justice to

decline the prayer for quashing of the FIR on the ground that it would amount to be permitting the parties to compound non-compoundable

offence.

2. On the last date of hearing i.e. 05.11.2012, respondent No. 2 has filed his affidavit and stated therein that he does not want to proceed with the

case registered against the accused and if the aforesaid FIR is quashed, then he has no objection in this regard.

3. In compliance with order dated 05.11.2012, SI Mohan Lal, who is present in court today, has filed his affidavit in Court today and tenders an

unconditional apology for his lapse in registering the case u/s 306 IPC when the person is alive. The aforesaid affidavit is taken on record. SI

Mohan Singh assures that no such lapse will be repeated in future.

4. Consequently, in view of compromise (Annexure P/2) and keeping in view the law laid down by the Hon"ble Apex Court in the case of Madan

Mohan Abbot vs. State of Punjab, 2008 (2) RCR (Cri.) 429, which has been affirmed by a Larger Bench of the Hon"ble Supreme Court in Gian

Singh vs. State of Punjab and another, SLP (Cri.) No. 8989 of 2010, decided on 24.09.2012, by the Full Bench judgment of this Court in the

case of Kulwinder Singh and others vs. State of Punjab and another, 2007 (3) RCR (Cri.) 1052, and judgment of this Court in Bhupinder Kaur's

case (supra) no useful purpose would be served in prolonging the litigation, especially when this case does not fall within the category of

exceptional cases where this Court should not exercise its inherent jurisdictional powers to quash the criminal proceedings, as held in Gian Singh's

case (supra). In the facts and circumstances of this case, it would be unfair or contrary to the interest of justice to continue with the criminal

proceedings or continuation of the criminal proceedings would amount to abuse of process of law despite settlement and compromise between the

victim and wrongdoer and to secure the ends of justice, therefore, it is appropriate that criminal case is put to an end. Present petition is allowed.

FIR No. 18 dated 27.02.2012, under Sections 306/116 IPC, registered at Police Station City Malout, District Sri Muktsar Sahib, is hereby

quashed and all the criminal proceedings arising out of the said FIR also stand quashed.