

**8IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-36979 of 2013

Date of decision-20.10.2016

Baljit Kaur and others

...Petitioners

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. D.S. Pheruman, Advocate for the petitioners.

Mr. Luvinder Sofat, AAG Punjab.

Mr. Damanjeet Sandhu, Advocate for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

By filing this petition under Section 482 Cr.P.C, the petitioners are seeking quashing of FIR No. 140 dated 24.11.2011 under Sections 306 & 120-B read with Section 34 of the Indian Penal Code (for short 'the IPC') registered at Police Station Mukerian, District Hoshiarpur on the basis of compromise annexed as Annexure P2 and P3.

The brief facts of the case are that the FIR in the instant case was registered on the basis of a statement made by Joginder Singh, father of the deceased-Sukhdev Singh. It was asserted by the complainant that his daughter-in-law had given all her gold ornaments to both her sisters and she even had given his son's passport to her sisters which was later returned through the respectable persons of the village. His daughter-in-law also stated that he was not paying maintenance to her. His son said that he had sent Rs. 1,50,000/- and asked her to get the account for the said sum. He also

stated that the Sarpanch of the Village, Munsha Singh was also present in their house. There was a marriage in their house and when his son, deceased-Sukhdev Singh asked his wife-Baljit Kaur to get back her ornaments, she said that she will not live with him. Thereafter, a phone call was received from the sister of Baljit Kaur and his son became angry and took the key of scooter from the house and went to the market. On his return, he informed that he is fed up of his wife, his sister-in-law, his father-in-law and mother-in-law and he had consumed celphos. The condition of his son was deteriorating and he got him admitted in the Civil Hospital, Mukerian on 23.11.2011 but the doctors referred him to DMC Ludhiana. Joginder Singh took his son to the Civil Hospital, Hoshiarpur and during treatment he expired. After the death of Sukhdev Singh, the impugned FIR No.140 dated 24.11.2011 under Sections 306/120-B read with Section 34 IPC was recorded in Police Station Mukerian, District Hoshiarpur. Hence this petition for quashing of the FIR on the basis of compromise.

It is contended by the learned counsel for the petitioners that deceased-Sukhdev Singh committed suicide as he was fed up with the behaviour of his wife. It is further contended that even if the allegations from the FIR are taken at their face value, the same do not constitute an offence under Section 306 IPC. There is no abetment, incitement or provocation by the petitioners that could be held responsible for the deceased to have taken the extreme step. Therefore, the petitioners cannot be fastened with the liability of the act of committing suicide by the deceased-Sukhdev Singh.

On the other hand, learned State counsel submits that in the instant case, the compromise was effected between the parties at the initial stage of investigation. Therefore, the police instead of investigating the

matter thoroughly filed the cancellation report in the Court of Ilaga Magistrate on the basis of compromise. However, the Court of Ilaga Magistrate did not accept the cancellation report and returned the report for further investigation by the police.

I have heard the learned counsel for the parties and have gone through the file.

The fundamental question to be decided in the instant petition is whether the act and conduct of the petitioners led to suicide by the petitioners.

To bring the facts clearly, the provisions of Section 306 read with Section 107 IPC need to be adhered with. For ready reference, Section 107 is reproduced as under:

107. Abetment of a thing.—A person abets the doing of a thing, who

1. Instigates any person to do that thing; or

2. Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

3. Intentionally aids, by any act or illegal omission, the doing of that thing. Explanation 1.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing. Illustration A, a public officer, is authorized by a warrant from a Court of Justice to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C. Explanation 2.—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitate the commission thereof, is said to aid the doing of that act.

The marriage of deceased was performed with Baljit Kaur on

20.11.2011. As per the complainant, gold ornaments were given by accused Baljit Kaur to her sisters. On asking of the deceased to get back the ornaments, Baljit Kaur replied that she was not interested in living with the deceased. On receipt of the call from the sisters of Baljit Kaur, the deceased went outside the house. On return, deceased-Sukhdev Singh informed that he was fed up of his wife, his sister-in-law, father-in-law and mother-in-law and thereafter, he had consumed celphos. The allegations of the complainant, if considered to be the truth, do not *per se* constitute an offence under Section 306 IPC because there is neither abetment nor incitement given by either Baljit Kaur, her sisters or her parents to Sukhdev Singh to commit suicide. The act of suicide in the instant case cannot be said to be a result of an abetment by Baljit Kaur. There is no proximate nexus between the act of the accused and act of committing suicide by the deceased. In this view of the matter, this Court feels that offence under Section 306 is not made out.

Otherwise also, the matter stand settled between the parties which is duly acknowledged the complainant and as reflected in Report 'A'. Sub-Divisional Judicial Magistrate, Mukerian, sent his report dated 24.07.2014 which reads as under:

“After going through the statement of the parties, it is observed that the matter has been compromised between the parties with the intervention of the respectables and the compromise is genuine, voluntary and without any coercion or undue influence in respect of FIR No. 140 dated 24.11.2011, under Sections 306/120-B IPC of Police Station Mukerian. All the grievances have been settled amicably between the parties without any coercion or undue influence.”

In these circumstances, it will be futile exercise to proceed in the enquiry, investigation or trial as the witnesses would not support the prosecution story. The prosecution would not be able to collect fresh evidence.

In view of what has been observed above, the present petition is allowed and the FIR No. 40 dated 24.11.2011 under Section Sections 306 & 120-B read with Section 34 of the Indian Penal Code (for short 'the IPC'), registered at Police Station Mukerian, District Hoshiarpur is hereby quashed *inter alia* on the basis of its merit as well on the basis of compromise.

(JITENDRA CHAUHAN)
JUDGE

October 20, 2016
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Whether speaking/reasoned	:	Yes No
Whether Reportable	:	Yes No