

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

**CRM NO. M-38180 OF 2016
DECIDED ON : 25.09.2017**

Manjinder Singh and another

...Petitioners

versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. B. S. Bajwa, Advocate,
for the petitioners.

Ms. Rajni Gupta, Senior DAG, Punjab.

Mr. G. S. Rawat, Advocate,
for respondent No.2.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners are seeking quashing of FIR No.49 dated 07.07.2016 under Section 306/34 registered at Police Station Tarsikka, District Amritsar Rural, Punjab (Annexure P-1), on the basis of compromise dated 27.07.2016 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners contends that allegations in the FIR, which has been lodged by Ranjit Kaur-sister of deceased Gurdeep Singh, do not prima facie constitute an offence under Section 306 IPC as it is only alleged therein that the deceased had asked his wife-petitioner No.2 to return to her matrimonial home and upon her refusal to do so, he consumed some drugs. Petitioner No.1 is brother of petitioner No.2. He

further contends that no suicide note was left behind by the deceased and cause of death is also due to over dose of drug.

Learned State counsel has filed reply in the form of affidavit of DSP, Sub Division Jandiala, District Amritsar, wherein it is stated that during investigation, supplementary statement of complainant was recorded wherein she has stated that the petitioners were arraigned as accused on the basis of suspicion but later on she came to know that her brother Gurdeep Singh (deceased) was a drug addict and he may have taken over dose of any drug. Copy of the supplementary statement is annexed as Annexure R-1/T.

This Court by the order dated 29.08.2017 had directed the parties to appear before the Illaqa Magistrate/trial Court for recording their statements with regard to veracity of the compromise. The Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amrtisar, has sent her report dated 16.09.2017, wherein it is stated that in pursuance to the order of this Court, statements of the parties were recorded. As per the statements, compromise has been effected without any fear or undue influence.

In view of submissions of learned counsel for the petitioners and in view of the law laid down in "**Narinder Singh Vs. State of Punjab**" 2014 (6) SCC 466, no useful purpose will be served by continuing the criminal proceedings. Therefore, the petition is allowed and FIR No.49 dated 07.07.2016 under

Section 306/34 registered at Police Station Tarsikka, District Amritsar Rural, Punjab and all consequential proceedings arising therefrom, are hereby quashed qua the petitioners only.

(ANUPINDER SINGH GREWAL)
JUDGE

SEPTEMBER 25, 2017
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Whether speaking/reasoned	:	Yes /	No
Whether reportable	:	Yes /	No