

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

**CRM-M-35796-2015 (O&M)
Date of decision: 14.11.2018**

Ajay Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Vipin Mahajan, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

CRM-39933-2018

Application is allowed as prayed for.

Annexures P-9 and P-10 are taken on record.

CRM-M-35796-2015

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.203 dated 29.09.2014, registered under Section 306 of the Indian Penal Code (for short 'IPC') at Police Station City Moga, Punjab and subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

In the present case, the FIR was registered on the statement of Sukhwant Kaur @ Rani wife of Ajay Kumar. Now, dispute between the parties has been resolved.

Vide order dated 03.08.2018, the parties were directed to appear before the learned trial court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Additional District and Sessions Judge, Moga wherein it has been reported that statements of the parties have been recorded and compromise entered between

the parties is genuine, free from any kind of threat, coercion and undue pressure.

It has been submitted that after recording the statement of Sukhwant Kaur, she has died on 27.05.2016 due to multi organ infections with septicemia and anemic with non-healing wound on upper arm. Paramjit Kaur has also died.

The allegations levelled against the petitioners by complainant-Sukhwant Kaur @ Rani are reproduced hereunder:-

“In the year 2009, I was married with Ajay Kumar son of Subash Chander, Caste Arora, resident of 9386 Gali No.24, Mohalla Kot Mangal Singh resident of near Magardi Chaki, Ludhiana. After a few days of marriage, I started doing job at Guru Nanak College, Near Dohle, in my matrimonial house. Apart from my husband, my mother in law, my father in law, were living. My sister in law Rashmi is married and his living in America. After three months of marriage, my both arms got infected and wounds appeared on my arms and during treatment, I came to know that this is problem of bone and lot of money was spent on treatment. Because of this, medical health my husband and my in laws started harassing me and did not give money for treatment. My in laws family pressurized me to go to parents house at Moga. Then, my father started getting my treatment at Moga and my mother in law and father in law went to America. Thereafter, I used to some time live in my in laws house and some time at Moga with my parents. When I used to go to Ludhiana, then my husband used to beat me. On 02.03.2012, a daughter was born out of this wedlock. At that time, my mother in law came to Ludhiana and after one and a half month I and my daughter were sent to Moga and my mother in law went back to America. Then, I went to my in laws house but they did not allow me to enter in the house. Thereafter, I and my father made a complaint at Women Cell Moga, where it was decided that my husband would pay me Rs.7,000/- as maintenance and my daughter would live with my husband Ajay Kumar and whenever, I wish I can go and meet my daughter and also keep my daughter with me for 3-4 days. About four days back, when I went to meet my daughter at Ludhiana, my husband Ajay Kumar fought with me and gave me beatings. I informed my father about this on telephone and my father came to Civil Hospital, Ludhiana, where Doctor Sahib examined me and issued MLR. We went to the Police Station with the report and my husband Ajay Kumar was called there and we were asked to come back again on Monday. We came back to Moga. Yesterday evening, my husband Ajay Kumar

abused my father on telephone and insulted him. My father was tense because of this. My mother in law, father in law and sister in law also used to insule me and my father on telephone, Yesterday night at about 08:30 p.m. my father was upset and called me and told that my n laws family have put you in sorrows and I cannot do anything for you. They have insulted me and after doing such type of talk, he went to sleep. Today in the morning, at about 08:30 a.m. my father went to the shop towards Akalsar Road and he was upset. He told me that he will come back after half an hour and thereafter, we would go to Ludhiana. When my father did not come back, I telephoned him, but did not get any response. I went to the shop and found that my father committed suicide by hanging himself with the hook of ceiling fan. My father had died. I raised Raula, and people from market came there and brought down my father. One suicide note was recovered from the pocket of the Pant of my father Bikker Singh Kalsi, which read as under: "The reason for my death is Ajay Kumar and his sister, mother and father who live in Ludhiana in Gali No.24. They harassed my daughter. Today we have come to Police Station, but nobody listened to us. The MLA has also taken their side. Now, he has got false FIR registered against us and in this Ajay, his mother, maternal Aunt, and maternal Uncle are also involved. Therefore, I request everyone, that Ajay and his companions be given maximum punishment. This should also be got published in media. Mother, sister and father in law should be called from abroad and given punishment. Biker Singh Kalsi. He has insulted me which I could not tolerate, therefore, I am doing this work. I am very happy with my family and I should be forgiven for this. So, son take care of your mother. My keys are lying in the drawer and drawer is open. I have produced this suicide note before you. Legal action be taken against my husband Ajay Kumar, mother in law Bimla Rani, sister in law Rashmi, maternal uncle's on Mandeep Madaan, Advocate, Masi of my husband, and Masar. Because they have insulted my father and did not allow me to settle in the matrimonial house and for this reason, my father was forced to commit suicide by putting a rope around his neck."

Reliance has been placed upon the judgments of coordinate bench titled as *Davinder Singh Vs. State of Punjab and another* passed in CRM-M-37594-2014 decided on 27.01.2015; *Sangeeta and another Vs. State of UT Chandigarh and another* passed in CRM-M-16316-2014 decided on 20.03.2015; *Harmeet Singh Vs. State of Punjab and another* passed in CRM-M-38086 of 2014 decided on 06.02.2015 and *Som Raj @ Soma Vs. State of*

Punjab and another passed in CRM-M-43476-2014 decided on 16.03.2015.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court in **'Gian Singh v. State of Punjab and another', 2012 (4) R.C.R. (Criminal) 543** and in the light of facts and circumstances discussed hereinbefore, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that the same are put to an end.

For the foregoing reasons, the petition is allowed and FIR No.203 dated 29.09.2014, registered under Section 306 IPC at Police Station City Moga, Punjab and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioner.

November 14, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no