

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18105-2018 (O&M)

Date of decision: 09.05.2019

Sunil Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Gaurav Sharma, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

None for respondent No.2.

ANIL KSHETARPAL, J. (ORAL)

Although, it has been reported by the Judicial Magistrate Ist Class, Dhuri that the petitioner and the complainant have entered into a compromise, however, this Court has also examined the case on merits. The allegations in the complaint/FIR against the petitioner are as under:-

“Apart from this 4/5 year back my father has taken Rs.5 lakh on interest from Sunil Kumar son of Madan Lal caste Baniya resident of Palasour, which has been returned by us @ 5½ lakh with interest but Sunil Kumar has got signatures of my father on blank Pronote and after filling that pronote in the name of Darshan Khan S/o Tam Khan resident of Dhuri had filed a case in the Court of JMJC Dhuri of Rs.2 Lac. Due to that also my father Jarnail Singh was living mentally disturbed. Yesterday on 11/01/2018 I was sitting in my house and my father came from outside and straightway went to kitchen. We thought that he was making tea then it was about 2.30 PM, smoke came out from the

kitchen I ran away and saw that my father set him on fire. I called my uncle son Sukhdev Singh and try to extinguish the fire but my father was burnt badly. When we saw a 2 liter empty bottle was lying there from which my father sprinkled petrol and set him on a on fire and died. We called ambulances on 108 number take my father to the hospital. Then on the way near Khanori Kalan he died and he is dead body was kept in mortuary of civil hospital Dhuri.”

It is apparent from the reading of the aforesaid allegations that there are no allegations with regard to abetment to commit suicide and there is no allegation of instigation on the part of the petitioner. The only allegation against the petitioner is that the petitioner got signatures of father of the complainant on blank pronote and on basis thereof, the case has been got filed from Darshan Khan for Rs.2,00,000/- against the father of the petitioner.

This aspect has been examined in detail by the Hon'ble Supreme Court in the case of Amalendu Pal Vs. State of West Bengal (2010) 1 SCC 707.

In view of the detailed reasons recorded in the judgment referred above as also on the basis of compromise as well as on merits, the FIR No.04 dated 12.01.2018 under Sections 306, 34 of the Indian Penal Code, at Police Station Sadar Dhuri, District Sangrur and the subsequent proceedings arising therefrom are ordered to be quashed, however, qua the petitioner only.

Accordingly, the present petition is allowed.

09.05.2019

Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No