

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

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CRM-M-40886-2020

Date of decision : 21.01.2021

JASWANT SINGH AND ORS

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANR

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Harchand Singh Batth, Advocate for the petitioners.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Mr. Gaurav Kalsi, Advocate for respondent No.2.

Anupinder Singh Grewal, J. (Oral)

Heard through video conferencing.

The petitioners are seeking quashing of FIR No. 43 dated 02.07.2018, under Section 306 of the Indian Penal Code, 1860 ('IPC' - for short), registered at Police Station Khalra, District Tarn Taran, on the basis of compromise arrived at between the parties.

Learned counsel for the petitioners contends that it was alleged by the complainant that his brother had not been made the payment by the petitioners for the sale of the wheat crop and he, therefore, committed suicide. He, however, contends that the FIR is the outcome of a misunderstanding between the parties. There is no suicide note. The allegations in the FIR do not constitute a *prima facie* case for the commission of offence punishable under Section 306 IPC. Besides bald averments in the FIR, there is nothing to suggest that the petitioners either had intention or harassed the deceased to the extent of compelling him to commit suicide. He has relied upon the judgment of the Supreme Court in the case of ***State of Kerala and others vs. S. Unnikrishnan Nair and others, (2015) 9 SCC 639***. He

also contends that the matter has been compromised. He has referred to the copy of the compromise at Annexure P3.

Learned counsel for respondent No.2 states that the matter has indeed been compromised.

This Court vide order dated 09.12.2020 had directed the parties to appear before the Illaqa Magistrate/trial Court for recording their statements and send a report as to whether the compromise has been arrived at without any coercion or undue influence. The report of the Sub Divisional Judicial Magistrate, Patti dated 24.12.2020 has been received, wherein it is stated that in pursuance to the order of this Court, the statements of the parties were recorded which indicates that compromise which has been effected is genuine, voluntary and without undue influence.

The FIR is the outcome of a misunderstanding between the parties. There is no suicide note. The allegations in the FIR do not constitute a *prima facie* case for the commission of offence punishable under Section 306 IPC. The matter has been compromised. In view of the law laid down by the Supreme Court in the case of **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. 43 dated 02.07.2018, under Section 306 IPC, registered at Police Station Khalra, District Tarn Taran and all consequential proceedings are hereby quashed qua the petitioners.

(ANUPINDER SINGH GREWAL)
JUDGE

January 21, 2021
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No