

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-42897-2020

Date of decision : 26.03.2021

Deepak Rana

.... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Mr. Sanjiv Sheoran, Advocate  
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Shubham Saroha, Advocate  
for respondent No.2.

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**AMOL RATTAN SINGH, J (ORAL)**

As already noticed the order dated 22.12.2020, this petition has been filed seeking quashing, on the basis of a compromise arrived at between the petitioner and respondent no.2, of FIR no.100 dated 17.04.2018 (as also all other subsequent proceedings arising therefrom), registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar, for the alleged commission of an offence punishable under Section 306 of the IPC. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Thereafter, vide an order dated 12.01.2021, this court had observed that the counsel for the parties would need to address arguments in detail as to how the ratio of the judgment of a division bench of this court in the case of Baldev Singh vs. State of Punjab and another would not be binding on this bench, qua the FIR in question in the present case also,

under Section 306 of the IPC and not Section 304-A thereof (which was so in Baldev Singhs' case).

That judgment holds that an FIR cannot be quashed on the basis of a compromise effected in the case of a deceased person where the offence as was alleged to have been committed was one punishable under Section 304-A of the IPC.

In the opinion of this court, the ratio of that judgment would be binding because in either case, i.e., whether the deceased died on account of any rash and negligent action on behalf of the accused (in a case where Section 304-A of the IPC is invoked) or he died by committing suicide (where an offence punishable under Section 306 is alleged); the fact would be that any compromise arrived at between either the complainant in the FIR, or even with the legal heirs of the deceased, would not be sufficient reason for quashing of the FIR (as has been held by the division bench).

Today, Mr. Sheoran, learned counsel for the petitioner refers to the judgment of the Supreme Court in Arnab Manoranjan Goswami vs. The State of Maharashtra and others (Criminal Appeal No.742 of 2020) (decided on 27.11.2020), from which he points to the reference made by the Supreme Court to its earlier judgment in Madan Mohan Singh vs. State of Gujarat and another (2010) 8 SCC 628, wherein it had been held that despite a suicide note left by the deceased, stating that he was committing a suicide on account of his employer having rebuked him and also allegedly having deducted 15 days of his salary and having allotted him no fixed vehicle (the deceased being a driver), it was held (in Madan Mohan Singh's case) by citing the case of Bhajan Lal vs. Union of India, as follows:-

*“10. We are convinced that there is absolutely nothing in this suicide note or the FIR which*

*would even distantly be viewed as an offence much less under Section 306 IPC. We could not find anything in the FIR or in the so-called suicide note which could be suggested as abetment to commit suicide. In such matters there must be an allegation that the accused had instigated the deceased to commit suicide or secondly, had engaged with some other person in a conspiracy and lastly, that the accused had in any way aided any act or illegal omission to bring about the suicide.*

*11. In spite of our best efforts and microscopic examination of the suicide note and the FIR, all that we find is that the suicide note is a rhetoric document in the nature of a departmental complaint. It also suggests some mental imbalance on the part of the deceased which he himself describes as depression. In the so-called suicide note, it cannot be said that the accused ever intended that the driver under him should commit suicide or should end his life and did anything in that behalf. Even if it is accepted that the accused changed the duty of the driver or that the accused asked him not to take the keys of the car and to keep the keys of the car in the office itself, it does not mean that the accused intended or knew that the driver should commit suicide because of this.”*

To similar effect, Mr. Sheoran relies upon paragraphs no. 50 and 52 of *Arnab Goswami's* case, wherein also two other judgments of the Supreme Court, in M. Arjunan vs. State and Rajesh vs. State of Haryana were referred to, all on the issue of where a person can be held to have abetted a suicide, and where it could not be so held.

It is also to be noticed that in Madan Mohan Singh's case, it was not an appeal against a conviction before the Gujarat High Court that had been allowed, but a petition similar to the present one, invoking jurisdiction under Section 482 of the Cr.P.C. of that High Court, seeking quashing of an FIR registered for the alleged commission of offences punishable under Sections 306 and 294(b) of the IPC.

Mr. Sheoran also cited another judgment of the Supreme Court in Sanju @ Sanjay Singh Sengar vs. State of Madhya Pradesh 2002(2) RCR (Criminal) 687, to submit that even when the accused was alleged to have told the deceased 'to go and die', the charges framed against the accused by the trial court in that case were quashed, alongwith the order passed by the Madhya Pradesh High Court, dismissing the petition filed by the accused in that case.

Mr. Sheoran also relies upon other judgments to the same effect, to submit that simply because the deceased in the present case, in his suicide note, named the petitioner as the person responsible for his death on account of (allegedly) Rs.18 lakhs out of Rs.30 lakhs not having been paid to him after the deceased had done some contractual work for the petitioner, the petitioner cannot be held guilty of abetting the suicide of the deceased, he not having instigated the deceased to do so in any manner (which is in fact what had been held in all the judgments as have been referred to by Mr. Sheoran). He submits that it has been held therein that a person can be stated to have abetted the suicide of a person, in terms of Sections 107 and 306 of the IPC, only if he actually instigated such person to commit suicide, and not simply because there was a money dispute between the parties on account of which the deceased ended his life.

Learned counsel further submits that in fact the deceased in this case committed suicide after a period of 3 months of alleged non-payment of the amount of Rs.18 lakhs.

Learned State counsel on the other hand submits that the petitioner would be deemed to have instigated the deceased, as he had not made a large payment as was due to the deceased, even as per the investigation carried out.

Upon query, it is not denied by either side that the trial is at a stage where 14 prosecution witnesses, out of 18, have already been examined.

Admittedly, the complainant in the FIR, i.e., the mother of the deceased, has also turned hostile during her testimony.

Even so, considering all the facts together, as regards quashing of the FIR on the basis of any compromise reached between the petitioner and respondent No.2, i.e. the complainant in the FIR (mother of the deceased), I would find myself bound by the ratio of the division bench's judgment in Baldev Singh vs. State of Punjab (supra), with which I respectfully agree, to the effect that the deceased already having died, and in fact in this case not even due to any accidental death, the FIR cannot be quashed on that basis.

As regards the contention of Mr. Sheoran to the effect that the division bench has held that a compromise alone effected between the complainant/legal heirs of the deceased and the accused is not sufficient to quash the FIR, and therefore the implication would be that other circumstances would also need to be got into by this court to arrive at a conclusion whether the FIR should be quashed or not, whereas he would be

right in that contention, yet, simply looking at the stage of the trial, i.e. it is at its fag end, I do not think it is an appropriate case where the FIR should be quashed at this stage, even taking into consideration the judgments cited by the learned counsel.

Naturally, the said judgments, as also all cited by the prosecution, would be considered by the trial court, alongwith all evidence led before it, to arrive at a conclusion as to whether the petitioner is actually guilty of having committed any offence or not.

With the aforesaid observations it also made clear that such observations would not affect the decision of the trial court, except that it would, naturally, take it into consideration the ratio of the judgments cited before it, by the prosecution and the defence.

In view of the aforesaid facts, the petition is dismissed.

**( AMOL RATTAN SINGH )**  
**JUDGE**

**26.03.2021**

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No