

125

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

**CRM-M-27309-2022
Date of Decision: 31.08.2022**

Rahul @ Manpreet Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.K. Arya, Advocate,
for the petitioners.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 482 of the Code of Criminal Procedure with a prayer for quashing of the FIR bearing No.47, dated 10.03.2022, under Sections 306 & 34 IPC, registered at Police Station Chheharta, District Amritsar (Annexure P-1) on the basis of compromise dated 04.05.2022 (Annexure P-2) arrived at between the parties.

Learned counsel for the petitioners has submitted that it is a case where the matter has been compromised with the sister of the deceased person, who committed suicide and in view of the compromise, the FIR may be quashed. He further referred to the judgment passed by the Hon'ble Supreme Court in “*Gian Singh Vs. State of Punjab and another*”, 2013(1) SCC (Crl.) 160. He further submitted that even the ingredients of Section 107 and 306 of the IPC were not satisfied since there was no element of instigation shown in

the FIR and on bare perusal of the FIR, no offence is made out, and therefore also, the present FIR may be quashed.

Notice of motion.

On the other hand, Mr. Amit Rana, learned Sr. DAG, Punjab has submitted that the FIR was lodged under Sections 306 & 34 of the IPC and it is still at the investigation stage. He further submitted that the FIR is not the encyclopedia and it is only the First Information Report and it is thereafter during investigation, the truth is to be ascertained. He also referred to judgment of the Hon'ble Supreme Court passed in ***Criminal Appeal No.1061 of 2022*** titled as "***Daxaben Vs. State of Gujarat and others***", decided on 29.07.2022, wherein it has been held that the quashing based upon the compromise is not permissible when the offence is under Section 306 IPC, since there can be no compromise with the LRs of the deceased persons and therefore, the present petition itself is not maintainable.

I have heard the learned counsel for the parties.

The present petition is filed for quashing of the FIR based upon the compromise. The investigation is still going on. The Hon'ble Supreme Court in ***Daxaben's case (supra)*** observed as follows:-

"50. In our considered opinion, the Criminal Proceeding cannot be nipped in the bud by exercise of jurisdiction under Section 482 of the Cr. P.C. only because there is a settlement, in this case a monetary settlement, between the accused and the complainant and other relatives of the deceased to the exclusion of the hapless widow of the deceased. As held by the three-Judge Bench of this Court in Laxmi Narayan & Ors. (supra), Section 307 of the IPC falls in the category of

heinous and serious offences and are to be treated as crime against society and not against the individual alone. On a parity of reasoning, offence under section 306 of the IPC would fall in the same category. An FIR under Section 306 of the IPC cannot even be quashed on the basis of any financial settlement with the informant, surviving spouse, parents, children, guardians, care-givers or anyone else. It is clarified that it was not necessary for this Court to examine the question whether the FIR in this case discloses any offence under Section 306 of the IPC, since the High Court, in exercise of its power under Section 482 CrPC, quashed the proceedings on the sole ground that the disputes between the accused and the informant had been compromised.”

The argument raised by the learned counsel for the petitioner that the FIR does not disclose the element of inciting the deceased to commit suicide and no suicide note was recovered is not sustainable in view of the fact that the matter is still at the investigation stage. The aforesaid FIR is also reproduced as under:-

“District Police Commissionerate, P.S. Chheharta. Year: 2022, FIR No.47, Date and time of FIR: 10.03.2022, 18:10 hrs, Under Section 306/34 IPC.

Statement of Monika daughter of Shashi Kumar, wife of Gurmeet Singh resident of H.No.1440/13, Near Sukhmani Petrol Pump, Main Road, Ramtirath Amritsar, aged about 29 years, Mobile No.9780601962, stated that I am resident of above said address and household lady. My brother Akash Malhotra, who was married and lived in his grandmother-in-law house at Khandwale Amar Singh Sarpanch Wali Gali Chhehrata, Amritsar. My neighbor Ekta who is my Jethani in

relationship told that phone call came to her that your brother Akash has consumed something and has been taken to him at Amandeep Hospital told whole story to my uncle Sham Lal on phone and we reached at Amandeep Hospital where we found that he has died. Regarding this earlier we did not any doubt on anyone and we got the action of 174CrPC regarding the death of our brother but now we know that my brother was beaten by his inlaws and forced to eat some poisonous substance and my brother has ended his life by eating some poisonous substance due to which my brother has died and body of which is lying at this time in Dead House Civil Hospital Amritsar. Legal action be taken against Rahul brother in law of my brother (Sala) mother in law Seeta and his wife Komal. Statement is heard which is correct. Sdl/ Monika.”

In view of the aforesaid position, this Court is of the view that the present petition deserves to be dismissed being devoid of any merit apart from the fact that the prayer is also not maintainable in view of the judgment passed by the Hon'ble Supreme Court in ***Daxaben's case (supra)***.

31.08.2022

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes |