

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-9931-2018 (O&M)

Decided on : 28.09.2022

Mehal Singh

... Petitioner

VS.

State of Punjab & Anr.

... Respondents

CRM-M-6632-2018

Devender Singh

... Petitioner

VS.

State of Punjab & Anr.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Dr. Anmol Rattan Sidhu, Sr.Advocate with
Mr. Rajiv Malhotra, Advocate,
Dr. Tarun Sharma, Advocate
for the petitioners

Mr. Rajiv Verma, DAG Punjab

Mr. Navkiran Singh, Advocate for the respondent No.2

Sandeep Moudgil, J. (Oral)

This order shall dispose of the above-captioned two criminal miscellaneous petitions wherein the petitioners seek quashing of the FIR No.88 dated 27.04.2017 under Sections 306/34 IPC registered at Police Station Cantonment, Amritsar, District Amritsar. For the sake of facts and order, CRM-M-9931-2018 is being treated as the lead case.

Brief facts of the case are that the Petitioner-Mehal Singh is Principal of Khalsa College, Amritsar while petitioner-Devender Singh is the Registrar of that college. Harpreet Singh (since deceased) was student of the

college and committed suicide on 26.04.2017 by hanging from a fan in the room of his hostel. Complainant, who is father of deceased, was informed by other students of the college that name of Harpreet Singh was in the list of students, who had been detained from giving exam due to shortage of lectures. On 26.04.2017, he had to appear for the practical for which he required permission of Principal, Registrar and H.O.D. The other detained students were granted permission but Harpreet Singh was not given permission as he was member of Khalsa College Mess Committee and had been raising his voice against managing committee of the college. Due to this reason, he was not given sanction to appear in practical examination on the ground of shortage of lectures. On the day of incident, he had gone to Dr. Randeep Kaur, H.O.D., where Arish Kumar and Raghubar, other students whose lectures were also short, were also present. Harpreet Singh had told that he was preparing for M.Sc. Entomology, as a result of which, he could not appear in classes, resulting in shortage of his lectures. At this, Dr. Randeep Kaur told him that he could not clear B.Sc. Agriculture, as such, there is no question of clearing M.Sc. When Harpreet Singh asked for solution of his problem, Madam Randeep Kaur asked him to keep on making round to office of Principal and Registrar. Madam Randeep Kaur also told him about the fine which the deceased expressed his inability to pay being a poor person. He had intimated complainant on telephone that he is feeling perturbed because of his name kept in the detained list candidate. He had visited Principal, Registrar and H.O.D. several times but they were not hearing him which resulted in wastage of his one year. Due to mental stress and torture he committed suicide.

Learned counsel for petitioner has argued that the petitioner Devender Singh is posted as Registrar, who deals with administration of the college and has nothing to do with academics or grant of permission to students whose lectures are short to appear in exams. This is looked after by H.O.D., who, in the present case, is Dr. Randeep Kaur.

Learned counsel for petitioner-Mehal Singh, who is principal of the college, has argued that lectures of the deceased were short and he was detained from appearing in the exams. He made requests to appear in the practical examination, which was allowed and this fact is evident from the attendance sheet of practical examination held on 26.04.2017, which bears his name and signatures. This belies the allegation that he was detained from appearing in the practical examination. This fact is also not disputed that the deceased had not been regularly attending classes, resulting in shortage of his lectures. He had also tried to explain his shortage of lectures by giving the reason that he was preparing for M.Sc. Entomology. The deceased had not left behind any suicide note and even if he had been detained from appearing in exams due to shortage of his lectures, this could not be termed as abetment at the hands of petitioners towards to the deceased, who committed suicide.

Reliance has been placed on **State of Haryana vs. Chaudhary Bhajan Lal** reported as **RCR 1991(1) 383** to contend that powers under Article 226 of the Constitution of India or the inherent powers under Section 482 of CrPC can be exercised only where the allegations made in the FIR or complaint are so absurd and inherently improbable.

Learned State counsel assisted by learned counsel for complainant has argued that the deceased was brilliant in studies. He was

vocal and raising his voice against corruption and mismanagement in the college.

Learned counsel appearing for complainant while explaining appearance of deceased in practical has argued that on 26.04.2017, the deceased was allowed to appear in practical examination but was called time and again in the office of H.O.D. and Principal and this put lot of stress on him. It was because of the attitude of management, i.e., Principal, Registrar and H.O.D. of the college that Harpreet Singh was compelled to take extreme step to commit suicide.

Having heard learned counsel for the parties and after going through the record, I am of the considered opinion that the arguments raised on behalf of the petitioner(s) has merit and as such these petitions ought to succeed.

The sole role assigned to the petitioners is that they being the Registrar and the HOD, did not grant the deceased Harpreet Singh permission to appear in the practical examination which resulted in committing of the suicide by Hapreet Singh.

It would be apposite to reproduce Section 306 of the IPC, which reads as under:

"306. Abetment of suicide If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

From a bare reading of the provision, it is clear that to constitute an offence under Section 306 IPC, the prosecution has to establish: (i) that a person committed suicide, and (ii) that such suicide was abetted by the

accused. In other words, an offence under Section 306 would stand only if there is an "abetment" for the commission of the crime.

The parameters of "abetment" have been stated in Section 107 of the IPC, which defines abetment of a thing who (i) instigates any person to do that thing, or (ii) engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or (iii) intentionally aids, by any act or illegal omission, the doing of that thing.

Therefore, the question for consideration would be whether the allegations levelled against the petitioners in the FIR and the material collected by the police during the course of investigations, would attract against any one of the ingredients of Section 107 IPC?

It is an admitted position that the deceased Harpreet Singh was a student of B.Sc.(Agriculture) Final Semester in Khalsa College, Amritsar. The attendance of the deceased in all the subjects totaled to 19 out of 121 lectures. It is also admitted that the students of detained list were allowed on 26.04.2017 to join remedial classes by paying a nominal fine. Reliance has been placed on **SS Chheena vs. Vijay Kumar Mahajan 2010(4) RCR (Crl.) 66** to contend that no case under Section 306 IPC could be registered against the petitioners as there is no evidence regarding abetment, instigation, provocation from the petitioners to commit suicide by the deceased.

So far as plea of the complainant that due to shortage of lectures, the deceased was detained from appearing in the practical examination, the same appears to be not correct as Harpreet Singh had appeared in the practical examination. It is not disputed that lectures of the deceased were

short and he could not appear in the exam. He has sought concession and permission to appear in the exams as a special case. The permission appears to have been granted to him by permitting him to appear in the practical examination. It cannot be said that the college has violated any rule while putting the name of deceased in the detained list and denying him permission to appear in the exam. There is nothing on record to suggest that Registrar of the College in any manner dealt with grant of permission to deceased to appear in exams.

Learned counsel for the complainant has failed to assign any other role to the petitioners except shortage of lectures and grant of permission which he has failed to prove.

The question as to what is the cause of a suicide has no easy answers because suicidal ideation and behaviours in human beings are complex and multifaceted. Different individuals in the same situation react and behave differently because of the personal meaning they add to each event, thus accounting for individual vulnerability to suicide. Each individual's suicidability pattern depends on his inner subjective experience of mental pain, fear and loss of self-respect. Each of these factors are crucial and exacerbating contributor to an individual's vulnerability to end his own life, which may either be an attempt for self-protection or an escapism from intolerable self.

In view of the above, I find that there is sufficient material that the petitioners have shown in their favour for consideration of this Court to quash the instant FIR and proceedings arising therefrom.

Accordingly, this petition is allowed and the FIR No.88 dated 27.04.2017 under Sections 306/34 IPC registered at Police Station Cantonment, Amritsar and all proceedings arising therefrom are hereby quashed.

Ordered accordingly.

28.09.2022
V.Vishal

(Sandeep Moudgil)
Judge

- 1. *Whether speaking/reasoned?*
- 2. *Whether reportable?*

Yes/No
Yes/No