

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

CRM-M No.14932 of 2023 (O&M)

Date of decision: 24.03.2023

Jasvir Kaur and others

..... Petitioners

versus

State of Punjab and another

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Gopal Singh Nahel, Advocate
for the petitioners.

Mr. S. Godara, Addl. A.G., Punjab.

HARSH BUNGER J. (ORAL)

1. The petitioners have filed this petition under Section 482 Cr.P.C. seeking quashing of the FIR No.155, dated 28.07.2022, registered under Sections 306 IPC, at Police Station Sadar Dhuri, District Sangrur and all consequential proceedings arising therefrom.

2. Briefly, the above-said FIR has been registered on the complaint of Karnail Singh, who had stated that his son Manpreet Singh was a farmer and he along with his brother-in-law Gurtej Singh, son of Balvir Singh, had jointly bought a combine and used the same during seasons. Thereafter, the old combine was sold by his son Manpreet Singh and his brother-in-law Gurtej Singh and they bought a new one for Rs.18,00,000/- in half share each and the down payment of the same was made by his son Manpreet Singh in cash and Gurtej Singh had taken a loan for the payment of his share and also got the registration of the said combine in his name. As per the complainant, Gurtej Singh did not settle the accounts with his son Manpreet Singh. Due to which, there was a

-2-

conflict in the house. Thereupon his son, his wife Jasvir Kaur, his brother-in-law Gurtej Singh, his father-in-law Balvir Singh and his mother-in-law Baljinder Kaur quarrelled and Jasvir Kaur is stated to have left his son Manpreet Singh and went to her village Gobindpura Kothe. It is alleged that when the son of the complainant Manpreet Singh demanded money for the previous season then his in-laws had insulted him and after getting fed up by the behavior of his wife Jasvir Kaur, brother-in-law Gurtej Singh, father-in-law Balvir Singh and mother-in-law Baljinder Kaur, he consumed some poisonous medicine on 26.07.2022 at around 03.30 p.m. Thereupon he was taken to Dr. Naresh's Hospital, Barnala from where he was referred to DMC, Ludhiana, where he expired on 27.07.2022 at 04.00 p.m.

3. The matter was investigated and final report under Section 173 Cr.P.C. was prepared on 28.09.2022.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence and they have been falsely implicated in this case. It is submitted that there is no specific allegation leveled against any of the family member. It is contended that in fact the complainant do not want to give any share in the property of the deceased to the petitioner No.1 (wife of the deceased) as there was no child from the wedlock and accordingly, they have been falsely implicated. It is contended that there was no abetment on the part of the petitioner or any other family member, accordingly, no offence under Section 306 IPC is made out against the petitioners. It is also submitted that the deceased Manpreet Singh had cordial relations with the petitioners and there was no dispute between the petitioners and the deceased and thus, the ingredients of the offence under Section 306 read

-3-

with Section 107 of IPC are not made out against the petitioners. Accordingly, it is prayed that the above-said FIR No.155 dated 28.07.2022 and all consequential proceedings be quashed against the petitioners.

5. I have heard learned counsel for the petitioners and perused the paper book.

6. A perusal of the FIR would show that specific allegations have been leveled against the petitioners that they had insulted the deceased Manpreet Singh on the issue of settlement of account regarding the previous harvest. It is also the allegation that the deceased Manpreet Singh had purchased a combine jointly with his brother-in-law Gurtej Singh wherein half of the payment was made by the deceased Manpreet Singh and the balance was paid by Gurtej Singh after taking a loan from the Bank and as per the complainant, Gurtej Singh had not paid the loan amount also and had rather got the combine registered in his own name. The matter has been investigated and the challan already stands submitted. The petitioners have not placed on record any material/document to controvert the specific allegations levelled in the FIR. Rather, the submission sought to be canvassed before this Court is that the deceased Manpreet Singh was having good relations with the petitioners and thus, no offence under Section 306 IPC is made out. Suffice it to mention that even an indirect act of incitement to the commission of suicide would constitute the offence of abetment of suicide under Section 306 of IPC.

7. In the instant case, there are certain factual assertions made in the FIR concerning the quarrel and insult of the deceased Manpreet Singh prior to the commission of suicide which would require leading of

evidence before the trial Court. Even the existence or non existence of any prior mental state/condition of the deceased prior to the commission of suicide shall have to be proved in accordance with law. It is well settled that the FIR is not an encyclopedia which must disclose all facts and details relating to the offence reported.

8. The powers possessed by the High Court under Section 482 Cr.P.C. are very wide and the very plenitude of the power requires great caution in its exercise. It is well settled that the inherent power should not be exercised to stifle a legitimate prosecution more so when the evidence has not been collected and produced before the Court and the issues involved, where factual or legal, are on such magnitude that they cannot be seen in their true perspective without sufficient material. Whether or not the prosecution would be eventually able to substantiate its allegations against the petitioners herein by leading cogent and reliable evidence before the trial Court and how the prosecution case would stand in the light of any evidence that might be led on behalf of the defence, is yet to be seen.

9. Thus, in the considered view of this Court, this is not a case which can be quashed at this stage. Accordingly, the present petition is dismissed.

10. All pending applications, if any, shall stand closed.

24.03.2023
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(HARSH BUNGER)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No