

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

CRM-M-15442-2023

Date of Decision: June 02, 2023

BALJIT KAUR AND ANR

..... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.S. Grewal, Advocate for petitioners.
Mr. Kunal Vinayak, AAG, Punjab.
Mr. J.S. Khiva, Advocate for complainant.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 482 Cr.P.C. the petitioners pray for quashing of case FIR No.132 dated 17.10.2022 registered under Sections 306, 506 and 34 of IPC, P.S. Boha, District Mansa along with all consequential proceedings arising out of the same on the basis of compromise dated 10.03.2023.

2. As per allegations levelled in the FIR, Gurjit Singh who happened to be the son of complainant committed suicide as he was being continuously harassed by petitioners.

3. In pursuance to an order dated 02.05.2023 passed by this Court whereby, the parties were directed to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 17.05.2023 has been received from the concerned Court, stating that the compromise in the present case is genuine and voluntary. No accused has been declared as proclaimed offender. There is only one complainant namely Jamail Kaur.

4. Learned counsel for the petitioners submits that once, a compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regards quashing of FIR as

well as all other subsequent proceedings arising out of the same against the petitioners; the dispute purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He also submits that even, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties. Learned counsel for petitioner also relies upon a judgment passed by this Court in **CRM-M-37957-2015** titled as “**Harmesh Singh and Anr. Vs. State of Punjab and Anr.**” decided on 09.02.2017.

5 On the other hand, learned State counsel submits that allegations in the present FIR are of serious nature and he opposes the prayer made in the petition.

6. I have heard learned counsel for the parties and gone through the records including the contents of the FIR, the compromise and the report dated 17.05.2023. Although, the quashing of FIR has been sought on the basis of compromise, however, even on merits, perusal of the contents thereof if taken to be at their face value, offence under Section 306 IPC is not made out against the petitioners. Apparently there is no suicide note written by the deceased. Admittedly the quarrel between the husband-wife took place on 14.10.2022 and the wife left the house, thereafter telephonic conversation took place on 16.10.2022, whereas the deceased committed suicide on 17.10.2022. In these circumstances, there is no direct or active act of the petitioners which led to suicide. There has been no intentional act of aiding or facilitating the deceased to commit

suicide and end his life, seeing no other option. The ingredients of abetment are thus missing with no presence of *mens rea*.

7. Moreover, the parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the directions issued by this Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR(Criminal) 1052 and Gian Singh Vs.State of Punjab & Anr., 2012(4) RCR (Crl.) 543***”.

8. Thus, in view of the discussions made herein-above besides the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the petition is allowed and FIR No. 132 dated 17.10.2022 registered under Sections 306, 506 and 34 of IPC, P.S. Boha, District Mansa along with all consequential proceedings arising therefrom, are hereby quashed.

9. The aforesaid order shall however be subject to payment of Costs of Rs.5,000/- to be deposited with the Punjab and Haryana High Court Employees Welfare Association Fund having Account No.37167209613 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

02.06.2023

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(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>
