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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(124)

CRM-M-33965-2023
DATE OF DECISION:- 07.08.2023

JASBIR KAUR

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Tuneet Walia, Advocate for the petitioner.

Mr. Arun Luthra, DAG, Punjab
for the State-respondent.

SUVIR SEHGAL, J. (Oral)

1. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner has *inter alia* sought quashing of FIR No.0148 dated 27.06.2019 lodged for offence under Section 306 and 34, IPC at Police Station Beas, District Amritsar Rural, Annexure P-1.

2. Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Gurmeet Singh, wherein he has stated that Dalbir Singh, who is the second son, was married to Jasbir Kaur, present petitioner, about four years earlier. Both, Dalbir Singh and Jasbir Kaur, used to quarrel with each other and many a times, compromise was effected between them by the Panchayat and the Women Cell, but their relationship did not improve. The couple were living separately and on 22.06.2019, when complainant was in his room, Jasbir Kaur faught with

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Dalbir Singh and shouted at him to go and die. After she came out of his room, Dalbir Singh bolted the door from inside and committed suicide by hanging himself from the ceiling fan.

3. Counsel for the petitioner has contended that the petitioner has been falsely implicated and there is no overt act attributed to her. It is her argument that ingredients of Section 107, IPC are not satisfied and offence under Section 306, IPC is not made out. She has submitted that the petitioner was assaulted by the deceased before he committed suicide. She has referred to her MLR dated 25.06.2019, Annexure P-2, to assert her submission. Reference has also been made by her to an application dated 02.07.2019, Annexure P-3, submitted by Surjit Singh, to assert that an independent enquiry has been sought into the episode and request has been made for cancellation of the FIR. She submits that the couple had stayed separately for eighteen months and the petitioner was residing at her paternal home. Counsel for the petitioner has placed reliance upon the judgments of this Court in *CRM-M-34495-2021* titled as “*Harbhajan Sandhu Versus State of Punjab and another*” decided on 23.02.2022 and *CRM-M-50641-2021* titled as “*Nirmaljit Singh and others Versus State of Punjab and another*”, decided on 10.04.2023.

4. *Per contra*, State counsel upon instructions received from ASI, Harpal Singh, has opposed the petition and argues that after investigation, final report, Annexure P-4, has been presented. According to him, it has been found that the petitioner abetted the commission of offence. He has prayed for dismissal of the petition.

5. I have heard counsel for the parties and considered their respective submissions.

6. After discussing the case law, Hon'ble Supreme Court in *M/s Neeharika Infrastructure Pvt. Limited Versus State of Maharashtra, 2021 SCC Online SC 315* held that power of quashing should be exercised sparingly with circumspection, in the rarest of rare cases. While examining an FIR, quashing of which is sought, the Court cannot embark upon an enquiry into the reliability or genuineness or otherwise of the allegations made in the FIR and the criminal proceedings should not be scuttled at an initial stage. It has been held that although power under Section 482, Cr.P.C. is very wide, but conferment of such vast power requires the Court to be more cautious and it casts an onerous and diligent duty on the Court. When a prayer for quashing of FIR is made by the alleged accused, the Court in exercise of the inherent power has to consider whether the allegations disclose commission of a cognizable offence or whether power of investigation is being used malafidely by the police.

7. Facts of the instant case have to be considered in the light of the settled position of law. From the material on record, it appears that the relationship between petitioner and the deceased was estranged. There were constant fights and bickering between the couple. Petitioner had even stayed away from the matrimonial home for a substantial period of time. On the fateful day, probably an altercation had taken place between the parties, heated words were exchanged and it has been alleged that the petitioner instigated her husband to commit suicide. A perusal of the allegations levelled in the FIR show that a cognizable offence is made out. The allegations have been duly investigated and final report, Annexure P-4, has been presented before the Court against

the petitioner for offence under Section 306, IPC. While finding the relatives of the petitioner to be innocent, Investigating Agency has found sufficient incriminating material against her. The injuries sustained by the petitioner and the application submitted for investigation would be considered by the Trial Court at an appropriate stage. The judgments relied upon by the petitioner are clearly distinguishable on facts. Allegations levelled in the FIR, prima facie, constitute offence complained of and this Court does not intend to conduct an inquiry into the reliability of the material collected by the investigating agency.

8. In view of the above discussion, this Court is of the view that there is no merit in the petition, which is hereby dismissed.

9. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

07.08.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No