

122 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.50530 of 2023 (O&M)  
Date of Decision : 06.10.2023

Khushdeep Singh and another .....Petitioners

Versus

State of Punjab and another .....Respondents

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Ms. Nidhi Bansal, Advocate  
for the petitioners.

**PANKAJ JAIN, J. (Oral)**

Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.0065, dated 16<sup>th</sup> of June, 2022 registered for the offences punishable under Sections 306 and 34 of Indian Penal Code, 1860, at Police Station Shimlapuri, District Police Commissionerate, Ludhiana, Punjab on the basis of compromise Annexure P-2.

2. FIR was registered on the statement of one Navjot Kaur who happens to be the wife of deceased Simranjit Singh alleging as under :

“That I was married on 25-03- 2020 with Simranjit Singh son of late Sukhwinder Singh resident of House No. 3359, Street No. 4, New Janta Nagar Ludhiana with Sikh rites and customs. After marriage a male child was born to me namely Harmanveer

Singh. In our family, my mother-in-law Paramjit Kaur, Brother-in-law Khushdeep Singh and Sister-in-law Nimrat Kaur and I alongwith my husband and son were living in the same house. A couple of months ago we bought this house by taking a loan and we wanted to do some renovation in our portion, so whenever my husband Simranjit Singh talked about doing some work in his portion or buying something new, then my brother-in-law (Jeth)and my sister-in-law (Jethani) used to taunt my husband and then always refused to do the work. Due to said taunts my husband was mentally disturbed. Who used to tell me that I am fed up of this, and I will do something with myself. On 14-06-2022, my husband again said to his brother Khushdeep Singh that I have to buy new furniture for my portion, then on that day my brother-in-law (Jeth) and my sister-in-law (Jethani) quarrelled with my husband Simranjit, then on 15-06-2022, my husband, after fed up from his brother Khushdeep Singh and my sister-in-law (Jethani) Nimrat Kaur, tied a cloth and committed suicide by hanging himself.”

3. Counsel for the petitioners submits that his clients have been falsely roped in the present case. FIR was lodged due to some misunderstanding between the parties. Parties are closely related to each other. Petitioners No.1 and 2 happen to be the real bother-in-law and sister-in-law of the complainant/respondent No.2. It has been further contended that during the pendency of present petition the matter already stands compromised, which has been reduced into writing vide Annexure P-2. As per covenant contained therein, the petitioners have paid a sum of Rs.9,00,000/- *in toto* by way of two separate demand drafts to the complainant. After having shown their

*bona fide*, the petitioners stand admitted to pre-bail by this Court vide order dated 1<sup>st</sup> of December, 2022. He thus contends that once the matter stands compromised and the complainant has already been compensated as per terms of the settlement, the present FIR against the petitioners cannot sustain and is liable to be quashed on the basis of compromise.

4. Per contra, Mr. Tarun Aggarwal, Sr. DAG, Punjab, who appears on advance notice submits that keeping in view of the seriousness of the allegation levelled, at this stage FIR cannot be quashed on the basis of compromise qua the petitioners.

5. I have heard counsel for the parties and have gone through records of the case.

6. The question thus arises is '*whether offence punishable under Section 306 IPC for abetment to commit suicide, entailing punishment of imprisonment of 10 years, can be quashed on the basis of compromise or not?*'

7. Apex Court in the case of **Daxaben vs. State of Gujarat & others (Criminal Appeal No.1061 of 2022 (Arising out of SLP (Crl.) No.1132-1155 of 2022) decided on 29<sup>th</sup> July, of 2022** while dealing with the question framed hereinabove in Para 2 *ibid* held as under :

“49. In exercise of power under Section 482 of the Cr.P.C., the

Court does not examine the correctness of the allegation in the complaint except in exceptionally rare cases where it is patently clear that the allegations are frivolous or do not disclose any offence.

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.”

8. In view of afore-stated dictum, offence under Section 306 IPC falls in the category of 'heinous and serious offences' and the same are to be treated as crime against society and not against the individual alone. On the basis of any financial settlement with the informant, surviving spouse, parents, children, guardians, care-givers, FIR under Section 306 IPC cannot be quashed.

9. In the circumstances, keeping in view the settled proposition of law and the seriousness of the allegation levelled against the petitioners, this Court finds that the present petition is not maintainable seeking quashing of the FIR on the basis of compromise. Resultantly, the present petition is dismissed.

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|---------------------------|---------------|
| October 06, 2023          | (PANKAJ JAIN) |
| Dpr                       | JUDGE         |
| Whether speaking/reasoned | : Yes/No      |
| Whether reportable        | : Yes/No      |