

(1)

Neutral Citation: [2023:PHHC:048654](#)

CRM-M-53686 of 2019

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

**CRM-M-53686 of 2019
Date of Decision:- 10.04.2023**

Jaswinder Kaur and others

....Petitioners

Vs.

The State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Labish Arora, Advocate
for Mr. Rajesh Bhatheja, Advocate
for the petitioner.

Mr. CL Pawar, Addl. AG, Punjab.

Mr. Sandeep Sharma, Advocate
for respondent No.2.

KARAMJIT SINGH, J.

Present petition is for quashing of FIR No.109 dated
06.07.2018 registered under Section 306 IPC at Police Station
Dharamkot, District Moga on the basis of compromise (Annexure
P-2) along with other consequential proceedings arising thereto.

(2)

Neutral Citation: 2023:PHHC:048654

CRM-M-53686 of 2019

The abovesaid FIR was registered on the statement of complainant/respondent No.2-Balvir Kaur mother of deceased Jaspal Singh against the petitioners.

On notice of motion, respondent No.2 appeared in the Court through her counsel and pleaded that she has no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Judicial Magistrate Ist Class, Moga along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties.

The brief facts of the case are that deceased Jaspal Singh got married with petitioner No.1 Jaswinder Kaur about 16/17 years back and they were having one son Karandeep Singh aged about 15 years. That petitioner No.1-Jaswinder Kaur was not having cordial relations with deceased Jaspal Singh for the last 5/6 months. That even on 4th of July, 2018 petitioner No.1 raised dispute with deceased

(3)

Neutral Citation: [2023:PHHC:048654](#)

CRM-M-53686 of 2019

and called petitioners No.2 to 4 and they all gave beatings to deceased Jaspal Singh. That on 5th of July, 2018 the other accused persons tried to take petitioner No.1 along with them to which the complainant objected but petitioner No.1 accompanied them. On 6.7.2018, the dead body of Jaspal Singh was found hanging from a tree. The complainant further alleged that her son Jaspal Singh was compelled to commit suicide by all the accused persons including the petitioner who were persistently harassing the deceased.

Learned counsel for the parties are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion. The counsel for the parties have also admitted that before ending his life, Jaspal Singh did not leave behind any suicide note.

In case of **Sanju @ Sanjay Singh Sengar vs. State of Madhya Pradesh, 2002(2) RCR(Criminal) 687**, the Hon'ble Apex Court quashed the criminal proceedings under Sections 306 IPC against the accused who was having quarrel with the deceased and told the deceased to go and die and the deceased committed suicide on the third day of quarrel.

The Hon'ble Apex Court in **S.S. Chheena vs. Vijay Kumar Mahajan and Ors. 2010(4) RCR(Criminal) 66**, while

quashing a charge framed against the accused under Section 306 IPC observed that conviction merely on basis of harassment of deceased is unsustainable in law, without a positive act on the part of the accused to instigate or aid in committing suicide and the said act must have been intended to push the deceased into such a position that he committed suicide.

Further the Hon'ble Supreme Court in *Shabbir Hussain Vs. The State of Madhya Pradesh and others 2022 (1) RCR Criminal 610* held that in order to bring a case within the provision of Section 306 IPC, there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigating or by doing a certain act to facilitate the commission of suicide. Mere harassment without any positive action on the part of the accused proximate to the time of occurrence which led to the suicide would not amount to an offence under Section 306 IPC.

In view of the aforesaid settled law, it is clear that in order to prosecute a person under Section 306 IPC, there has to be a clear *mens rea* to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and this act must have been intended to push the deceased into such a position that he committed suicide.

In the instant case, prima facie, nothing is available on record to show that there was intention on the part of the petitioners and they actively committed certain acts proximate to the time of occurrence and thus compelled the deceased to commit suicide. Further, it appears that the parties have settled their dispute in an amicable manner.

The Coordinate Bench of this Court quashed FIR registered under Section 306 IPC on the basis of compromise in **CRM-M-29142-2021 Arsh Vikram Singh vs. State of Punjab and Ors.** decided on 4.5.2022 after discussing the settled law relating to ambit of Section 306 IPC.

In light of the above, this Court is of the view that the continuation of the criminal proceedings under Section 306 IPC against the petitioners would amount to abuse of the process of the Court.

As per the full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, it is held that High Court has power under Section 482 Cr.P.C to allow the compounding of non compoundable offence and quash the prosecution where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice.

(6)

Neutral Citation: [2023:PHHC:048654](#)

CRM-M-53686 of 2019

Hon'ble Apex Court in case of Gian Singh Vs. State of Punjab and another 2012 (4) RCR Criminal 543 had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected.

For the reasons aforestated and having regard to the law discussed above, the present petition is allowed and FIR No.109 dated 06.07.2018 registered under Section 306 IPC at Police Station Dharamkot, District Moga and all the subsequent proceedings thereof are hereby quashed qua the petitioners.

10.04.2023
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No