

CRM-M-41950-2021
Date of decision:15.05.2024

...Petitioner(s)

STATE OF PUNJAB AND OTHERS

...Respondent(s)

Present: Mr. J.K. Singla, Advocate and
Ms. Suman Rani, Advocate for the petitioners.

Mr. Inderjeet Singh, DAG, Punjab.

Mr. Ishan Thakur, Advocate for
Mr. L.S. Sidhu, Advocate for respondents No.2 and 3.

KARAMJIT SINGH, J. (Oral)

1. Prayer in this petition is for quashing of FIR No.271 dated 20.09.2021 registered under Sections 306 and 149 of IPC, 1860 (Act No.45/1860) at Police Station Sadar Mansa, District Mansa on the basis of compromise dated 02.10.2021(Annexure P-2) along with all other subsequent proceedings arising thereafter.

2. The above stated FIR was registered on the statement of the complainant/respondent No.2-Sukhwinder Kaur against the petitioners. Respondent No.3 is son of the complainant.

3. On notice of motion, respondent No.2 and 3 appeared in the Court through their counsel and pleaded that they have no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

4. 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 and after that parties were directed to appear before the Mediation and Conciliation Centre of this Court.

5. In compliance thereof, report from the Court of Additional Chief Judicial Magistrate, Mansa 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.

6. I have heard learned counsel for the parties.

7. As per allegations made in the FIR, complainant-Sukhwinder Kaur wife of Gurmail Singh recorded her statement with the police that her husband was owner of 3-3/4 killas out of joint land. That her brother-in-law Nachattar Singh and his relative Ram Singh took into confidence her father-in-law Gurbachan Singh and did not allow Gurmail Singh to take his share out of the joint land. That Gurbachan Singh died about 20/25 days back and then panchayat was convened, therein also Gurmail Singh claimed his share out of joint land. But the accused persons denied his claim. The accused persons also started extending threats to Gurmail Singh and due to persistent harassment caused by the accused persons, Gurmail Singh committed suicide by consuming poison. Consequently the FIR was registered against the petitioners.

8. Admittedly complainant is wife of deceased Gurmail Singh and she got recorded her statement in the Court concerned that the matter has been settled between the parties and she is having no objection if the impugned FIR is quashed on the basis of compromise. During pendency



of the present petition, as both the parties agreed, the matter was referred to Mediation Centre and the parties appeared before the concerned mediator, where also parties effected settlement vide compromise deed dated 30.04.2024 which is taken on record.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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 **04.05.2022** after discussing the settled law relating to ambit of Section 306 IPC.

15. 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. 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.

16. For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court aforecited judgments, this petition is allowed and FIR No.271 dated 20.09.2021 registered under Sections 306 and 149 of IPC, 1860(Act No.45/1860) at Police Station Sadar Mansa, District Mansa on the basis of compromise dated 02.10.2021(Annexure P-2) and all the subsequent proceedings are hereby quashed qua the petitioners.

(KARAMJIT SINGH)
JUDGE

15.05.2024
Priyanka Thakur

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