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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-53782-2023
Date of decision : 14.02.2024

Sanjeev Kumar Petitioner
versus

State of Haryana and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Kamal Chaudhary, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

None for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.131 dated 30.09.2022, registered for the offences punishable under Section 306 of Indian Penal Code, 1860, at Police Station Bhupani, Faridabad on the basis of compromise/affidavit dated 13.10.2023 (Annexure P-2).
2. FIR was registered on the statement of one Shakuntla who happens to be the mother of deceased Anndeep Singh alleging as under :-

“I have one son and one girl both are married. My son Anndeep Singh, age around 42 years has three kids. Around 3 months, my son Anndeep' son-in-law Sanjeev, along with my daughter-in-law Babira and my grandchildren went to his home. On that day, Babita and my grand children used to talk to my son but a few days later brother-in-law Sanjeev of my son used to restrain his sister Batira

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and children from talking to him. Due to this reason by son Anndeeep Singh's wife and children didn't use to talk to him. Many times my son Anndeeep requested his brother-in-law Sanjeev but he didn't care for my son at all. My son Anndeeep Singh used to remain in tension due to being separate from his wife and children and many times he has said to me that Sanjeev didn't even allow him to talk to the children. Due to this my son Anndeeep Singh used to stay in very tensed mood. Due to this my son used to write something in the diary and register. On 29.09.22 at around 06 in the evening my son Anndeeep committed suicide by hanging himself to death with the help of electric wire tied with the fan of the rented house. As I saw him, I raised noise and Vijender named neighbor living nearby came and I and Vijender and I took down my son from the wire hanging with the fan and we saw that my son Anndeeep Singh was no more and then neighbors called up the police and passed the information and they reached after some time. The electric wire from which my son had hanged himself, the wire regarding which he used to write in the registry and diary, the same have been produced to you. Now, we have been getting my statement recorded to you in my full senses. My son Anndeeep has committed suicide by getting frustrated from his brother-in-law Sanjeev. Legal action may kindly be taken against them.”

3. Counsel for the petitioner submits that during the pendency of present petition the matter already stands compromised, which has been reduced into writing vide Annexure

P-2.

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4. Per contra, Mr. Jasjit Singh, DAG, Punjab, 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 29th 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

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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.

10. Resultantly, the present petition is dismissed.

(PANKAJ JAIN)
JUDGE

14.02.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No