



CRM-M-8786-2023 (O&M)

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

CRM-M-8786-2023 (O&M)
Reserved on : 08.09.2025
Pronounced on : 31.10.2025

Santosh Rani @Jaspreet Kaur & Ors.

..... Petitioners

VERSUS

State of Punjab & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by: Mr. A.P.S. Maan, Advocate for the petitioners.

Mr. Eklavya Darshi, DAG Punjab.

Mr. Vipin Mahajan, Advocate for the respondent No.2.

SURYA PARTAP SINGH, J.

1. The petitioners, who are facing trial for the commission of offence punishable under Section 306 and 34 of the Indian Penal Code, have approached this Court by filing a petition under Section 482 of the Code of Criminal Procedure, whereby the quashing of FIR No.263 dated 16.07.2020, Police Station Civil Lines, Batala District Gurdaspur, and all other consequential proceedings arising therefrom, has been sought to be quashed.

2. In nut-shell, the facts emerging from record are that in the abovementioned FIR, wherein the petitioners have been named as accused, was registered on the statement of Sukhjinder Kaur, W/o Paramjit Singh,



hereinafter being referred to as the 'complainant' only. In her statement, the complainant stated that the marriage of her son, Bhupinderpal Singh, with Jaspreet Kaur @ Santosh Rani, i.e., petitioner No.1, was solemnized about five years ago, and out of abovesaid wedlock, a daughter, Paramdeep Kaur, was born. The complainant further alleged that, after the marriage, the relationship between her son and the daughter-in-law became sour, and as a result thereof, the petitioner No.1 left her matrimonial home about three and a half years ago, for her parental home. The complainant also stated that numerous efforts were made to bring the petitioner No.1 back to her matrimonial home, but any of such efforts was not successful.

3. According to complainant, on previous day, i.e., on 15.07.2020, her son had visited his in-laws' house to bring back his wife, but she did not return and reportedly forced him to leave her parental home. It has been alleged by the complainant that, due to the aforesaid conduct of his wife, the petitioner No.1, and her parents, i.e. the petitioners No.2 and 3, her son Bhupinderpal Singh, felt harassed, humiliated, and cheated, and as a result of that in order to commit suicide he consumed a poisonous substance and passed away.

4. It is the case of the prosecution that in view of abovementioned complaint, formal FIR in this case, for the commission of offence punishable under Sections 306 and 34 of IPC was lodged, and the investigation taken up.



5. In the instant petition, it has been alleged by the petitioners that the abovementioned FIR has been lodged on false allegations and that, without any fault on their part, they are being prosecuted for the commission of the said offence. According to petitioners, the FIR has been lodged with vexatious and mala fide motives, in which they have been wrongly implicated as accused. However, it has not been disputed by the petitioner that there existed a relationship between the petitioners and the deceased. However, the petitioners have alleged that, due to strained relationship between the petitioner No. 1 and the deceased, a petition for divorce was filed by the petitioner No.1 in the Courts at Kapurthala.

6. According to petitioners, the FIR in question is nothing but a concoction and fabrication of story by the complainant, the mother of the deceased, with a motive to take revenge from the petitioners, and to pressurize them not to claim their share in the estate of deceased. The petitioners have further submitted that even the allegations contained in the FIR do not prima facie disclose the commission of any offence punishable under Sections 306 and 34 of the IPC, and therefore, the registration of FIR in respect to the aforesaid offences amounts to an abuse of process of law.

7. The petitioners have further alleged that when the marriage of petitioner No.1 was solemnized with the deceased, adequate dowry befitting to their status was given, but the complainant being mother-in-law of the petitioner No.1, the deceased being her husband, and the brother and sister



of the deceased were not satisfied with the dowry, and therefore, they harassed the petitioner No.1 physically as well as mentally for the demand of car in dowry. It has been further alleged by the petitioner No.1 that on the abovementioned pretext, she was even thrashed brutally in her matrimonial home, and ultimately forced to leave her matrimonial home.

8. According to petitioner No. 1, her parents, i.e., petitioners No.2 and 3, along with other respectable members of society, had convened a Panchayat and tried to persuade the deceased and his family members not to harass the petitioner No.1, but, the deceased, the complainant, and other in-laws of petitioner No.1 failed to mend their behaviour. As per petitioners, in such circumstances, the petitioner No.1 had filed a complaint before the Senior Superintendent of Police, Kapurthala, on 20.10.2018, along with petitions for maintenance and for divorce on the ground of cruelty. The petitioners have further alleged that the deceased and in-laws of petitioner No.1 were called by the Women Cell, counseled there, and therefore, it was agreed by the deceased that he would pay Rs.6,50,000/- to petitioner No.1 as a full and final settlement. As per petitioners, in view of abovesaid settlement, the petitioner No.1 had withdrawn the earlier petitions, but, the deceased subsequently acted dishonestly and refused to pay the settlement amount. The petitioners have further alleged that abovementioned situation led to the filing of another complaint by the petitioner No.1 before the Senior Superintendent of Police, Kapurthala, on 14.05.2019 and that on that occasion also, the deceased was called by the police again and there the



deceased apologized for his past conduct, and assured that he would abide by the terms of the compromise, but, he failed again and did not fulfil his commitment.

9. According to petitioner No.1, on 03.07.2020, with the intervention of DSP, Sub-Division Bholath, the parties had arrived at a compromise, which was duly signed by the Municipal Councillor and both the parties. The petitioners have further submitted that on this occasion, a sum of Rs.3,25,000/- was assured to be paid, but the deceased and his family members failed to honour the said commitment. In view of the foregoing facts, the petitioners have contended that the FIR has been lodged on false and frivolous grounds and therefore, the petitioners have approached this Court for quashing of the FIR in question.

10. Heard.

11. It has been contended on behalf of petitioners that, in the present case, there are two aspects which merit consideration; *firstly*, that the history of disputes between the petitioners and the deceased, which clearly indicates that it was the deceased, who was at fault in relation to the marital discord and differences between the parties; and *secondly*, that there is nothing on record, either in the FIR or in the final report prepared by the police, to suggest that any act, overt or covert, on the part of the petitioners, was responsible for the death of deceased, which in any case, was unnatural being suicide.



12. While referring to the contents of Section 306 of IPC, it has been argued by learned counsel for the petitioners that one of the essential ingredients to constitute the abovementioned offence is the abetment to commit suicide, and that the abovesaid component is missing in the instant case. As contended by learned counsel for the petitioners, the FIR is an abuse of process of law, and deserves to be quashed. In support of his arguments, learned counsel for the petitioners has referred to the principles of law laid down by the Hon'ble Supreme Court of India in the cases of 'Sanju @Sanjay Singh Sengar Vs. State of Madhya Pradesh', AIR 2002 SC 1998, 'Amalendu Pal @Jhantu Vs. State of West Bengal', 2010(1) SCC 707, 'M. Mohan Vs. State Tr. Dy. Supdt. of Police', 2011(3) SCC 626, 'Gurcharan Singh Vs. The State of Punjab', 2020 Cri.L.R. (SC) 954, Criminal Appeal No.1628 of 2022 titled as 'Mariano Anto Bruno & Anr. Vs. The Inspector of Police', 'Mohit Singhal & Anr. Vs. The State of Uttrakhand & Ors.' 2023 INSC 1035, 'Nipun Aneja & Ors. Vs. State of Uttar Pradesh', 2024 INSC 767, and 'Jayedeepsinh Pravinsinh Chavda & Ors. Vs. State of Gujarat' 2024 INSC 960 and also the principles of law laid down by this Court in the cases of 'Neha Khurana Vs. State of Punjab & Anr', 2020(1) RCR (Criminal) 117, and 'Sunita Rani & Ors. Vs. State of Punjab & Anr' 2024(1) RCR (Criminal) 344.

13. *Per contra*, the learned State Counsel, assisted by learned counsel for the complainant, has controverted the aforesaid arguments. It has been submitted on behalf of respondents that the present petition has been



filed on false and frivolous grounds, and that no justified or legal basis for quashing of the FIR is made out. It has further been argued that all the grounds raised in this petition pertain to disputed questions of fact, which are the subject matter of trial, and therefore, cannot be adjudicated upon in proceedings under Section 482 Cr.P.C. According to learned counsel for the respondents, there are specific and categorical allegations in the FIR to the effect that the conduct, behaviour, and attitude of the petitioners had compelled the deceased to take the extreme step, and that their unwanted and inhuman conduct was responsible for the death of Bhupinderpal Singh. In view of above, it has been contended that the petitioners are liable to be prosecuted for the commission of offences punishable under Sections 306 and 34 of IPC.

14. During the course of arguments, the learned counsel for the respondents have contended that in the present case there is no dispute regarding the fact that after the commencement of the matrimonial relationship, there had been complaints and litigation between petitioner No.1 and the deceased in the past. It has been further argued that the deceased, who desired the resumption of matrimonial ties, felt deeply insulted and humiliated upon the petitioners' refusal to cooperate, leaving him with no other option but to end his life, and therefore, the petitioners are guilty of the offence for which they have been prosecuted.

15. The record has been perused carefully.



16. A perusal of record shows that if the factual matrix of the present case is analysed, it leads to the conclusion:-

- (i) that in the present case, there is no denial of the fact that deceased was the husband of the petitioner No.1, and the petitioners No.2 and 3 the parental-in-law of the deceased;
- (ii) that there existed a matrimonial discord between the deceased and the petitioner No.1, and at the time of the incident, the petitioner No.1, along with her daughter, was residing at her parental home;
- (iii) that on two previous occasions, at the instance of petitioner No.1, complaints were lodged with the police, wherein the parties had arrived at a compromise, but, the abovesaid compromise could not be implemented; and
- (iv) that the death of Bhupinderpal Singh, the deceased, was a suicide.

17. In view of abovementioned facts and circumstances, now it has to be ascertained as to whether the contents of FIR and the final report submitted by the police can lead to the conclusion that it was an abetment by the petitioners, which led to the commission of suicide or not. In this regard, the principles of law laid down by Hon'ble Supreme Court of India in the case of *Sanju @Sanjay Singh Senger* (supra) are relevant. In the abovementioned case, there was a quarrel between the accused and husband of his sister, and accused asked the deceased to go and die. As a consequence thereof, the deceased committed suicide on third day of quarrel. In the abovementioned fact situation, the Hon'ble Supreme Court of



India observed that it cannot be held that the suicide was a direct result of quarrel, and therefore, charge for the offence of abetment to commit suicide was not made out.

18. In the case of *Amalendu Pal @Jhantu* (supra), the Hon'ble Supreme Court of India has ruled that in a case for abetment of suicide, the person, who is said to have abetted the commission of suicide, must have played an active role by an act of instigation or by doing certain act to facilitate the commission of crime. According to the Hon'ble Supreme Court of India, if there is no evidence to show that accused had, by his act, instigated or provoked the deceased to commit suicide, and had not done any act, which could be said to have facilitated the commission of suicide by the deceased, the accused cannot be prosecuted for abetment to commit suicide.

19. In the case of *M. Mohan* (supra), the Hon'ble Supreme Court of India has observed that the case for the abetment of suicide was not made out in the backdrop of the fact that the deceased, who was living in a joint family, was not allowed to use family car, and sarcastic remarks were passed by the wife of elder brother of her husband that if she wanted to travel in car, she should bring it from her parental home. Since the bride committed suicide after four days of abovementioned taunt, it was observed by the Hon'ble Supreme Court of India that it did not amount to abetment. In the abovementioned case, the Hon'ble Supreme Court of India also observed that abetment involves a mental process of instigating a person or



intentionally aiding a person of doing off things. As per the Hon'ble Supreme Court of India, without a positive act on the part of accused to instigate or aid in committing suicide, conviction cannot sustain. It had been further observed by the Hon'ble Supreme Court of India that abetment of suicide required an active or direct act, which led the deceased to commit suicide, seen no option, and that such act must have been intended to push the deceased into such a position that he/she commit suicide.

20. The word 'instigation' has been defined by the Hon'ble Supreme Court of India in the case of *Gurcharan Singh* (supra). In the abovementioned case, the husband was prosecuted for the charge of abetment of suicide by his wife. In the abovementioned case, the Hon'ble Supreme Court of India has observed that to bring abetment of suicide by the accused, it should be proved that the accused instigated person either by act of omission or commission. According to Hon'ble Supreme Court of India, if there is no evidence on record to show that particular hope or expectation of deceased was frustrated by the accused, the charges for the commission of abetment of suicide cannot be proved. In the abovementioned case, the Hon'ble Supreme Court of India has also observed that to prove offence of abetment, the state of mind to commit particular crime must be visible, to determine culpability. As per Hon'ble Supreme Court of India, in order to prove *mens rea*, there has to be something on record to establish or show that accused had guilty mind and in furtherance of that state of mind abetted suicide of accused. The Hon'ble Supreme Court of India has also ruled that



ingredients of *mens rea* cannot be assumed to be ostensibly present, but has to be visible and conspicuous.

21. Similarly, in the case of *Mariano Anto Bruno* (supra), it has been propounded by the Hon'ble Supreme Court of India that for the commission of offence punishable under Section 306 IPC, there has to be a clear *mens rea* to commit offence, and that it requires active or direct act, which leads deceased to commit suicide, finding no other option. As per the Hon'ble Supreme Court of India, the act must be such, which reflects intention of the accused to push deceased into such a position that he commits suicide. As per the Hon'ble Supreme Court of India, merely, on the allegations of harassment without their being any positive action proximate to time of occurrence on the part of accused, which led or compelled person to commit suicide, conviction under Section 306 IPC cannot be sustained.

22. In the case of *Mohit Singhal* (supra), the Hon'ble Supreme Court of India has ruled that for the offence of abetment to commit suicide, it must be proved that the accused had *mens rea* to instigate the deceased to commit suicide, and that the act of instigation must be of such intensity that it pushes the deceased to such a position under which he or she has no choice but to commit suicide.

23. In the case of *Nipun Aneja* (supra), the appellant-Nipun Aneja had convened a meeting with the salesman of the Company to discuss about the sales, wherein employees felt humiliated, leading to suicide by the



victim. In the abovementioned facts and circumstances of the case, the Hon'ble Supreme Court of India ruled that in the case of abetment to suicide, the Court must *prima facie* ascertain as to whether there was intention on the part of the accused for intended consequence of suicide. In the abovementioned case, the Hon'ble Supreme Court of India also observed that this is wrong understanding of the Court that such intention can be read into or gathered only after a full-fledged trial.

24. In the case of *Jayedeeptsinh Pravinsinh Chavda* (supra), the Hon'ble Supreme Court of India has observed that presence of clear *mens rea* to abet the suicide is essential, and that every kind of harassment would not amount to cruelty.

25. The similar situation has been dealt with by this Court in the case of *Neha Khurana* (supra), wherein the husband committed suicide, as the accused wife refused to return to her matrimonial home, and when he threatened the wife to commit suicide, the wife remarked that if you want to die tomorrow, better die today itself. In the abovementioned case, this Court observed that the Court is required to evaluate material and documents on record with a view to find out if facts emerging therefrom taken on their face value, disclose existence of all ingredients to constitute the offence.

26. Similarly in the case of *Sunita Rani* (supra), it has been observed by this Court that the allegations, contained in the FIR, are vague and general in nature, without specifying attribution, merely, by blaming the



petitioner to be responsible for the commission of suicide by the deceased in the suicide note, cannot be sufficient to invoke Section 306 of IPC.

27. If the factual matrix of the present case is analysed in the light of the abovementioned principles of law, it transpires:-

- (i) that in the present case, there is no material whatsoever, not even a bare allegation, to suggest that any of the petitioners had instigated the deceased to commit suicide;
- (ii) that the allegations contained in the FIR merely indicate that the deceased had visited his in-laws' house with an intention of bringing the petitioner No. 1, his wife, back to her matrimonial home, but she declined to return. However, there is nothing on record to show that she made any remark, exerted any pressure, or in any manner suggested or provoked the deceased to commit suicide;
- (iii) that the facts disclosed by the petitioners in the present petition make it abundantly clear that there had been a long-standing separation between petitioner No.1 and the deceased, during which period several complaints were filed before the police authorities also, and even a petition for divorce was filed; and
- (iv) that with the intervention of police authorities and other respectable members of society, an agreement had taken place between the parties regarding the terms and conditions of separation; however, the said agreement was not fulfilled by the deceased.

28. If the cumulative effect of all the abovementioned factors is taken into consideration, it leads to the conclusion that, in the present case,



there is no allegation that any act, overt or covert, on the part of petitioners, was responsible for the suicide. Merely because the desire of the deceased was not fulfilled by the petitioners does not mean that he was compelled or abetted to commit suicide. Thus, it is hereby held that, in the facts and circumstances of the present case, the essential ingredients required to constitute the offences punishable under Sections 306 and 34 of the IPC are not made out.

29. As far as the principles governing the quashing of FIR is concerned the Hon'ble Supreme Court of India in the case of **Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others, rendered in Criminal Appeal No.330 of 2021**, has prescribed the guidelines wherein the FIR can be quashed. These principles are:

- i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence;
- ii) Courts would not thwart any investigation into the cognizable offences;
- iii) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;
- iv) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the 'rarest of rare



cases (not to be confused with the formation in the context of death penalty);

- v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;
- vi) Criminal proceedings ought not to be scuttled at the initial stage;
- vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- viii) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;
- ix) The functions of the judiciary and the police are complementary, not overlapping;
- x) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;
- xi) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;
- xii) The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It



would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

- xiii) The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the court;
- xiv) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur (supra) and Bhajan Lal, has the jurisdiction to quash the FIR/complaint;
- xv) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;
- xvi) The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482 Cr.P.C. and/or under



Article 226 of the Constitution of India. However, an interim order of stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or “no coercive steps to be adopted” and the accused should be relegated to apply for anticipatory bail under Section 438 Cr.P.C. before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or “no coercive steps” either during the investigation or till the investigation is completed and/or till the final report/chargesheet is filed under Section 173 Cr.P.C., while dismissing/disposing of the quashing petition under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India;

- xvii) Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India referred to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required to be passed so that it can demonstrate the application of mind by the Court and the higher forum can consider what was weighed with the High Court while passing such an interim order;
- xviii) Whenever an interim order is passed by the High Court of “no coercive steps to be adopted” within the aforesaid parameters,



the High Court must clarify what does it mean by “no coercive steps to be adopted” as the term “no coercive steps to be adopted” can be said to be too vague and/or broad which can be misunderstood and/or misapplied.

30. In the case of ‘*State of Haryana Vs. Bhajan Lal & Ors.*’, 1992 *SCC (Cri) 426*, the Hon’ble Supreme Court of India after reviewing large number of cases on the question of quashing of FIR has prescribed the guidelines wherein the FIR can be quashed. These principles are

- i) Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima- facie constitute any offence or make out a case against the accused.
- ii) Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers Under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.
- iii) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
- iv) Where, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer



without an order of a Magistrate as contemplated Under Section 155(2) of the Code.

- v) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.
- vi) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.
- vii) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

31. Taking into consideration the abovementioned principles of law, which are relevant and applicable to the present case, it is hereby held that the lodging of FIR against the petitioners for the commission of offence punishable under Sections 306 and 34 of IPC is nothing, but an abuse of process of law, and therefore, there is no need for indulgence or interference of extraordinary jurisdiction of this Court in the abovementioned FIR. Hence, it is hereby observed that the present petition deserves to be allowed, and the FIR in question deserves to be quashed.



32. Accordingly, the present petition is hereby allowed and the FIR No.263 dated 16.07.2020, Police Station Civil Lines, Batala District Gurdaspur, and all other consequential proceedings arising therefrom, and pending before the learned trial Court, are hereby quashed.

33. Pending miscellaneous application(s), if any, stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

OCTOBER 31, 2025
Gaurav Thakur

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