

2025:PHHC:129579



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

201

**CRM-M-22572-2018 (O&M)
Date of decision : 16.09.2025**

Gurpreet Kaur @ Gurmej Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. G. K. Mann, Senior Advocate with
Ms. Simrat Kaur, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Jasraj Singh, Advocate and
Mr. Anmol Jeevan Singh Gill, Advocate
for legal heirs of respondent No. 2.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) seeking quashing of FIR No. 117 dated 04.09.2017, registered under Section 306 read with Section 34 of IPC at Police Station Bullowal, District Hoshiarpur along with all the subsequent proceedings having emanated therefrom.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of the statement recorded by complainant Sibbo Devi (since deceased) alleging therein that her youngest son Jasbir Singh @ Jassu (victim) was married to

the present petitioner. The petitioner had filed a case against him. It was alleged that the petitioner, her brother Karnail Singh @ Kailo, her father Lekh Raj and Baldev Singh @ Devi had been harassing the victim. On 03.09.2017, at about 06:00 PM, the victim went into his room and committed suicide by hanging himself with a wire due to the harassment caused by aforesaid persons. The complainant prayed for taking action in the matter. On the basis of statement of the complainant, a case under Section 306 of IPC read with Section 34 of IPC was registered. Postmortem examination of the dead body of the victim and inquest proceedings were conducted. The petitioner was arrested on 08.11.2017. Subsequently, she was released on bail. Co-accused Lekh Raj and Baldev Singh were found to be innocent during the course of investigation. After completion of investigation, challan was presented against the present petitioner and co-accused Karnail Singh and Gurpreet Kaur.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. The allegations in the FIR, even if presumed to be correct on the face of the record, did not constitute any offence of abetment to commit suicide by the victim. The petitioner had got registered an FIR bearing No. 105 on 04.10.2016, under Sections 328 and 34 of IPC against the victim, whereas he committed suicide in the year 2017. Even otherwise, the petitioner was exercising her statutory right by getting that FIR lodged and on that account, no allegation can be made against her of abetting suicide by the victim. More so, a compromise had been arrived at between the parties and the said FIR was cancelled on the statement of the petitioner in the year 2016 itself. At the time of occurrence, the petitioner was at her parental house. She has two daughters and her relations with the victim were cordial. In fact, there was a property dispute between the family,

due to which, the victim committed suicide. There is nothing on record to show that the victim had previously made any complaint against the petitioner. The investigating agency had not placed any material on record to show that the petitioner had any *mens rea* to abet the suicide of the victim. The investigating agency had not been able to show any proximate and live link between the suicide of the victim and the act and conduct of the petitioners, which amounted to abetting the same. It is further argued that there is nothing on record to show that there was any instigation on the part of the petitioner in committing suicide by the victim. No harm was proved to have been caused by her. The petitioner is not proved to have played any part or role in the suicidal death of the victim. The allegations as levelled against the petitioners are far fetched, highly improbable and unnatural. The same do not make out any case qua commission of subject offence by the petitioner. Hence, it is argued that the impugned FIR and subsequent proceedings commenced on the basis of the same are liable to be quashed.

4. Learned counsel appearing for the legal representative of respondent No. 2/complainant has submitted that she has no serious objection if the present petition is allowed and the impugned FIR is quashed qua the petitioner.

5. Reply has been filed by the respondent-State, wherein while giving details of the case, it is submitted that since a *prima facie* case is made out showing involvement of the petitioner for commission of subject offence, therefore, the impugned FIR does not deserve to be quashed.

6. At the outset, it will be profitable to look into the scope and ambit of the Court's power under Section 482 Cr.P.C. (*which is pari materia with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023*) as spelt out in several judicial pronouncements of Hon'ble Supreme Court as well as

different High Courts. The well settled proposition of law is that in exercise of inherent powers under Section 482 Cr.P.C., the High Court is not expected to analyze all the facts, which are to be placed before the High Court. The power conferred under this section is very specific and to secure the ends of justice or to prevent the abuse of process of Court or to make any such orders as may be necessary to give effect to any order under the Code, such power can be exercised to prevent abuse of process of Court. Hon'ble Supreme Court has drawn up some guidelines in some categories of cases by way of illustration to circumscribe the exercise of inherent power under Section 482 of Cr.P.C. to prevent abuse of process of any Court or to secure the ends of the justice or to give effect to an order of the Court. In case cited as ***State of Haryana Vs Bhajan Lal (1992) SUPP 1 SCC 335***, Hon'ble Supreme Court laid down the following guidelines requisite for exercising power under Section 482 of Cr.P.C.:

(a) 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;

(b) 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;

(c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose 265 the commission of any offence and make out a case against the accused;

(d) where the allegations in the FIR 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;

(e) 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;

(f) 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;

(g) 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.

7. Reference can further be made to ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303***, wherein Hon'ble Supreme Court observed that the power of the High Court in quashing a criminal complaint or an FIR, in exercise of its inherent jurisdiction, is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plentitude with no statutory limitation but it has to be exercised in accordance with the guidelines engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. Reference can further be made to ***Narinder Singh and Ors. Vs. State of Punjab : (2014) 6 SCC 466***, wherein it was by Hon'ble Supreme Court that while exercising power under Section 482 of Cr.P.C., the High Court has to examine as to whether the possibility of conviction is

remote and bleak and continuation of criminal case would put him into great oppression and prejudice and injustice would be caused to him by not quashing criminal case. In ***Dhruvaram Murlidhar Sonar vs. State of Maharashtra : 2019 (18) SCC 191***, Hon'ble Supreme Court, while reiterating the parameters as laid down in ***Bhajan Lal***'s case (supra), had observed that for quashing of the proceedings, meticulous analysis of factum of taking cognizance of an offence by the Magistrate was not called for. Appreciation of evidence was also not permissible in exercise of inherent powers. If the allegations set out in the complaint did not constitute the offence of which cognizance has been taken, it is open to the High Court to quash the same in exercise of its inherent powers. In ***Neeharika Infrastructure vs. State of Maharashtra : 2021 SCC OnLine SC 315***, the Apex Court observed that while the Courts ought to be cautious in exercising powers under Section 482 of Cr.P.C., they do have power to quash. The test is whether or not the allegations in the FIR disclose the commission of a cognizable offence? The merits of the allegations are not to be entered into nor the power of the investigating agency to investigate into allegations involving the commission of a cognizable offence is to be trenched upon.

8. In view of the above discussed position of law qua exercise of inherent powers by this Court for quashing of criminal proceedings, this Court is required to consider the question as to whether the quashing of the FIR in this case can be allowed. The petitioner has been booked and challaned in this case for commission of offence punishable under Section 306 of IPC on the allegations that she along with co-accused had harassed the victim by getting aforesaid FIR No. 105 registered against him. However, it is an admitted position that the said FIR was cancelled in the

year 2016 itself on the basis of a compromise having arrived at between the parties, whereas the victim had committed suicide in the year 2017. In view thereof, it is to be seen as to whether any prima case under Section 306 of IPC is made out against the petitioner nor not? Before coming to that point, it would be relevant to consider the provisions of Sections 107 and 306 of IPC. 'Abetment' is defined under Section 107 of IPC. To constitute abetment, it is to be proved that the accused instigates a person either by act of omission or commission. To prove the offence of abetment, as specified under Section 107 of IPC, the state of mind to commit a particular crime must be visible to determine the culpability. In order to prove *mens rea*, there has to be something on record to establish or show that the accused person had a guilty mind and in furtherance of that state of mind, he abetted the said crime.

9. Then so far as Section 306 of IPC is concerned, in order to bring a case within the provisions of this section, any person who abets commission of suicide by any other person is liable for punishment. It is well settled proposition of law that in order to bring a case within the provisions of Section 306 of IPC, there must be a case of suicide and in the commission of such offence, 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 a certain act to facilitate the commission of suicide. Instigation can be inferred where the accused had by his acts or omission created such circumstance that the deceased was left with no other option but to commit suicide. The well settled proposition of law is that the abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be

sustained. As observed by Hon'ble Supreme Court in ***Gangula Mohan Reddy vs. State of Andhra Pradesh : (2010) 1 SCC 750***, in order to convict a person under Section 306 of IPC, there has to be a clear *mens rea* to commit the offence. It also requires an active 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 ***Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi) : 2009 (4) RCR (Criminal) 196***, Hon'ble Supreme Court, while dealing with the dictionary meaning of the word "instigation" and "goading", opined that there should be intention to provoke, incite or encourage the doing of an act by the victim. There must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the basis of the allegations of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled a person to commit suicide, conviction in terms of Section 306 of IPC is not sustainable.

10. The ratio of law as laid down in aforementioned judicial precedents when applied to the peculiar facts of the present case would clearly show that no case for commission of offence under Section 306 of IPC is made out as against the petitioner. As per the allegations, the petitioner had been harassing the victim by getting a case registered against him. Except this, there is no other allegation against the petitioner that she had harassed the victim in any manner. If for the sake of argument, it is assumed that some harassment had been caused to the victim on account of registration of the said FIR, even then the same cannot be attributed to the petitioner as she was only exercising her statutory right. More so, there is nothing on record to show that the victim had disclosed the complainant that the petitioner had caused any harm to him or she was the person, who was

exerting pressure upon him to commit suicide. By merely saying that the petitioner or co-accused were responsible for his death, it cannot be assumed that they had either abetted his death either by instigating him, urging him or by exerting pressure upon him to end his life by hanging himself. The prosecution has not been able to show that there was any *mens rea* on the part of the petitioner to abet the suicide by the victim. No positive action has been attributed to the petitioner to instigate or aid in committing suicide by the victim. There is also nothing on record to show that just before he chose to hang himself, anything had been uttered or any such act had been done by the petitioner, which amounted facilitation of committing suicide by the victim and there was any proximate link between any such act and the suicide by the victim. As such, this Court is inclined to hold that the suicide by the victim is not proved to be proximate result of anything done by the petitioner, which amounted to abetment to suicide within the meaning of Section 107 of IPC. It is also worth mentioning that the legal representative of respondent No. 2, who has since died, has expressed her no objection to quashing of the impugned FIR qua the petitioner. In such circumstances when there is absence of either of constituents amounting to abetment, their indictment cannot be stated to be correctly made. For want of any positive material on record to show the culpability and complicity of the petitioner, in the opinion of this Court, the allegations as levelled against the petitioner fall short of proof of offence of abetment, which is essential to attract the mandate of Section 306 of IPC.

11. On considering the facts and circumstances of the case, as noted and discussed above, while keeping in view the well established position of law coupled with the reasons aforementioned to the effect that the ingredients of offence punishable under Section 306 of IPC are not *prima*

facie established even on accepting the allegations to be correct on the face of the record and the fact that the possibility of conviction is remote and bleak, even if the proceedings are ordered to be continued, in the considered opinion of this Court, the continuation of prosecution would result in sheer abuse of process of law. It is, thus, a fit case for exercising inherent powers of this Court under Section 482 of Cr.P.C., so as to secure the ends of justice. Accordingly, the present petitions are allowed and the FIR No. 117 dated 04.09.2017, registered under Section 306 read with Section 34 of IPC at Police Station Bullowal, District Hoshiarpur is hereby quashed along with all the subsequent proceedings having emanated therefrom qua the petitioner.

16.09.2025

Wasim Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No