

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:149836



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CRM-M-36468-2025 (O&M)
Date of decision:31.10.2025

Himanshu Ahuja & others

... Petitioners

Vs.

State of Punjab & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA.

Present: Mr. Kulwinder Singh, Advocate for the petitioners.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. D.K. Tuteja, Advocate for respondent No.2.

...

MANISHA BATRA, J. (ORAL).

1. This petition has been filed by the petitioners under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS) seeking quashing of FIR No.245 dated 06.12.2016, registered under Section 306 IPC, at Police Station Dera Bassi, District SAS Nagar Mohali and all the subsequent proceedings having emanated therefrom on the basis of compromise arrived at between the parties as on 08.07.2025 (Annexure P-2).

2. The aforementioned FIR was lodged by respondent No.2 and investigation commenced thereon.

3. It is submitted by learned counsel for the petitioners that a compromise has been arrived at between the parties and they have resolved

their dispute. The compromise was reduced into writing on 08.07.2025 (Annexure P-2). On the basis of the same, the petitioners have prayed for quashing of the aforementioned FIR and all the subsequent proceedings having emanated therefrom on the ground that continuation of such proceedings would be a futile exercise.

4. This Court vide order dated 10.09.2025, had directed the parties to appear before the Illaqa Magistrate for recording of their statements with regard to the genuineness of the compromise stated to have been arrived at between them. The concerned Magistrate was also directed to send his/her report along with the statements of the parties.

5. Pursuant to the aforementioned order, the Additional District & Sessions Judge, SAS Nagar, Mohali has sent report vide endorsement No.11303 dated 15.10.2025 to this Court along with the statements of the parties as well as of the Investigating Officer.

6. On the basis of these statements, the concerned Judge has submitted that the compromise effected between the parties is genuine, out of free will and without any coercion or undue influence. It is also mentioned in the report that apart from the petitioners, there is no other accused in the FIR and that none of the accused had not been declared a proclaimed person in this case.

7. Learned counsel for respondent No.2/complainant has submitted that the compromise has been genuinely arrived at between the parties and also that the respondent has no objection if the petition is allowed and the FIR in question is quashed.

8. Learned State counsel has, however, opposed the prayer to quash the FIR on the basis of compromise by submitting that the offence under Section 306 IPC is a heinous crime and quashing of FIR on the basis of such compromise cannot be allowed. In this regard, he has placed reliance upon the observations made by the Hon'ble Apex Court in '**Daxaben Vs. State of Gujarat and others, 2022 (3) Crimes 224**'.

9. It is well settled that the High Court has power to quash the prosecution under Section 482 of Cr.P.C. where it feels that the same is required to prevent the abuse of process of law or otherwise to secure the ends of justice. Such power is not confined to matrimonial disputes alone. In this regard, reference can be made to a Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab, 2007 (3) RCR (Criminal) 1052**. It is equally settled position of law that the power of High Court in quashing criminal proceedings or FIR or complaint in exercise of its inherent jurisdiction is of wide plenitude with no statutory limitation. Such power can certainly be exercised in cases relating to offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The High Court is required to consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law and whether to secure the ends of justice, it is appropriate to put an end to the criminal case and if the answer to such question is in affirmative, then the High Court is well within its jurisdiction to quash the criminal proceedings. Reference in this context can be made to

Hon'ble Apex Court judgments cited as **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and **Narinder Singh and others vs. State of Punjab and another, 2014 (6) SCC 466**.

10. Reference has also been made to **Sharda Prasad Sinha Vs. State of Bihar, (1977) 1 SCC 505**, wherein it was observed that where the allegations set out in the complaint or the charge-sheet do not constitute any offence, it is competent to the High Court to exercise its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, to quash the order passed by the Magistrate taking cognizance of the offence. Reference can also be made to **Smt. Nagawwa Vs. Veeranna Shivalingappa Konjalgi, (1976) 3 SCC 736**, wherein the Hon'ble Supreme Court laid down the guidelines and the grounds on which proceedings can be quashed under Section 482 Cr.P.C. by observing that where the allegations made in the complaint, if taken at their face value, do not make out any case against the accused or do not disclose the essential ingredients of an offence which is alleged against the accused; where the allegations made in the complaint are patently absurd and inherently improbable so that no prudent person can ever reach a conclusion that there is sufficient ground for proceeding against the accused and where the complaint suffers from fundamental legal defects or the discretion exercised by the Magistrate in issuing process is capricious and arbitrary, the FIR can be quashed.

11. The petitioners have been booked for commission of offence under Section 306 IPC for abetting suicide by the victim-Vishal Kumar. This offence is a non-compoundable offence. In view of the above discussed

position of law, it is not in dispute that the inherent power of the High Court under Section 482 of Cr.P.C. (Section 528 of the BNSS) is wide and can even be exercised to quash criminal proceedings relating to non-compoundable offences, to secure the ends of justice, or to prevent the abuse process of the Court. Where the victim and offenders settle their disputes essentially civil and personal in nature, the High Court can exercise its power under this provision to quash the criminal proceedings. In what type of cases such power can be exercised, would depend on facts and circumstances of each case and no straight formula can be laid down.

12. In **Daxaben's case (supra)**, the Hon'ble Supreme Court had observed that the power to compound the offence under Section 306 IPC, which was grave and non-compoundable offence, could be exercised to secure the ends of justice or to prevent abuse of process of Court. In **State of Madhya Pradesh Vs. Laxmi Narayan and others, (2019) 5 SCC 688**, the Hon'ble Supreme Court had observed that the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions, matrimonial relationship or family disputes and when the parties have resolved entire dispute amongst themselves. Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. as such offences are not private in nature and have a serious impact on society. It was further observed that even offence under Section 307 IPC falls in the category of heinous and serious offence

and therefore is to be treated as crime against the society and not against the individual alone since the criminal proceedings for such offences have a serious impact on the society. However, it would be open to the High Court to go by the nature of the injury sustained, nature of weapon used and parts of the body. On the same analogy, it is required to be seen by this Court as to whether offence under Section 306 IPC is made out from the contents of the FIR or not, before arriving at a conclusion that quashing of proceedings under Section 306 IPC on the basis of compromise should be allowed or not by exercising power under Section 482 Cr.P.C.

13. In the instant case, the FIR has been registered against the petitioners on the allegations that on 06.12.2016, petitioner No.3 had harassed/pressurized the complainant to commit suicide. The accused named in the FIR blamed for abetting suicide by the victim-Vishal Kumar, are the present petitioners. No suicide note has been left by the deceased. The question is as to whether on the allegations as levelled in the FIR, a case under Section 306 IPC is made out, as no details whatsoever have been given as to when and in what manner, the petitioners had harassed the deceased.

14. The Hon'ble Supreme Court of India in **Amalendu Pal v. State of West Bengal(2010) 1 SCC 707** has 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 **Chitresh Kumar Chopra v. State (Government of NCT of Delhi)(2009) 16 SCC 605**, it was held by Hon'ble Supreme Court that abetment by a person is when a person instigates another to do something. Instigation can be inferred where the accused had, by his acts or omission created such circumstances that the deceased was left with no option except to commit suicide. Similar view has been taken by a coordinate Bench of this Court in **State of Punjab vs. Kamaljit Kaur alias Bholi and another, reported as 2008(2) RCR (Criminal) 562**. Reference can also be made to **Gangula Mohan Reddy vs. State of Andhra Pradesh reported as (2010) 1 Supreme Court Cases 750**, wherein Hon'ble Supreme Court has held that 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. The intention of the Legislature and the ratio of the cases decided by the court is clear that in order to convict a person under Section 306 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.

15. In **Ude Singh and others Vs. State of Haryana, (2019) 17 SCC 301**, reiterating the earlier decision, it was held by the Hon'ble Supreme Court that instigation means to goad, urge forward, provoke, incite or encourage to do an act. If a person, who commits suicide had been

hypersensitive and the action of accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. However, on the other hand, if the accused by his act or by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four corners of Section 306 IPC.

16. The ratio of law as laid down in the aforementioned judgments, when applied to the peculiar facts of the present case, would clearly show that no case under Section 306 IPC is made out even prima facie as the allegations contained in the FIR against the petitioners are quiet vague and general in nature with no specific attribution to the petitioners. Merely by blaming the petitioners to be responsible for commission of suicide by the deceased in the suicide note, Section 306 IPC cannot be invoked. In such circumstances when this Court is not convinced that an offence under Section 306 IPC is made out even prima facie, it is felt that there should be no hesitation in quashing the FIR based on compromise amongst the parties. On evaluation of facts and legal position discussed above, this Court finds that the allegations set out in the FIR do not constitute the offence under Section 306 IPC and therefore, the petitioners should not be compelled to undergo the ordeal of the trial particularly when the compromise has been effected between the parties. As such, quashing of the proceedings would serve the solitary purpose of Section 482 Cr.P.C. so as to prevent the abuse of process of law. The case squarely falls within the ambit and parameters settled by judicial precedents and that allowing and accepting the prayer of

the petitioners by quashing of the FIR would be securing the ends of justice, which is primarily the object of legislature enacted under Section 482 of Cr.P.C. Accordingly, the petition is allowed and the FIR No.245 dated 06.12.2016, registered under Section 306 IPC, at Police Station Dera Bassi, District SAS Nagar Mohali and all the subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioners on the basis of the aforesaid compromise.

17. Needless to say that the parties shall remain bound by the terms and conditions of the compromise and statements as recorded before Additional Sessions Judge.

31.10.2025

harjeet

Whether speaking/reasoned :
Whether reportable :

(MANISHA BATRA)

JUDGE

Yes/No
Yes/No