



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

CRM-M-49159-2023
Date of decision: 10.02.2025

Sarabjeet Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. H.S. Dhindsa, Advocate for the petitioners.

Mr. Ajaib Singh, DAG, Punjab.

Mr. Abhishek Sharma, Advocate
for respondents No.4 to 6.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 482 of Cr.P.C. seeking quashing of FIR No.50 dated 01.06.2022, under Section 306 IPC, registered at Police Station Verka, Police Commissionerate Amritsar, District Amritsar, on merits as well as on the basis of compromise.

2. The abovesaid FIR was registered on the statement of complainant/respondent No.4-Manpreet Singh son of Paramjit Singh against the petitioners, wherein it was alleged that complainant performed marriage with petitioner No.1 Sarabjeet Kaur and out of said wedlock, one son was born. Later on, marital dispute arose between husband and wife and petitioner No.1 left the matrimonial home along with her minor son. That Paramjit Singh father of the complainant made sincere efforts to meet his



grandson, but petitioner No.1 and his father Sukhdev Singh did not allow Paramjit Singh to meet his grandson. The petitioners were also persistently harassing Paramjit Singh and compelled him to end his life and resultantly, Paramjit Singh consumed some poisonous substance on 30.05.2022, as a result of which, he died on 31.05.2022.

3. On notice of motion, respondents No.4 to 6 appeared in the Court through his 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.

5. In compliance thereof, report from the Court of Additional Sessions Judge, Amritsar 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. Admittedly, respondents No.4 and 5 are sons while respondent No.6 is wife of deceased Paramjit Singh. The aforesaid respondents have recorded their statements in the Court concerned with regard to compromise and they are having no objection if the impugned FIR is quashed.

8. 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.

9. 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.

10. 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.

11. 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.

12. The Hon'ble Supreme Court in **Mahendra Awase Vs. State of Madhya Pradesh 2025 LiveLaw (SC) 80** held that while the persons



involved in genuine cases where the threshold is met should not be spared, the provision (Section 306 IPC/Section 108 BNS) should not be deployed against individuals only to assuage the immediate feelings of the distraught family of the deceased. The Hon'ble Supreme Court further observed that Section 306 IPC appears to be casually and too readily resorted to by the police.

13. More recently, the Hon'ble Supreme Court in ***Ayyub Vs. State of Uttar Pradesh 2025 LiveLaw (SC) 174*** held that for abetment of suicide offence, the alleged harassment must have left the victim with no other alternative but to end his life.

14. 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.

15. The Coordinate Bench of this Court also 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 **4.5.2022** after discussing the settled law relating to ambit of Section 306 IPC.

16. 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

17. For the reasons aforesaid and having regard to the law laid down by Hon'ble Apex Court in aforesaid judgments, this petition is allowed and FIR No.50 dated 01.06.2022, under Section 306 IPC, registered at Police Station Verka, Police Commissionerate Amritsar, District Amritsar, on the basis of compromise dated 4.12.2019 (Annexure P-2) and all the subsequent proceedings thereof are hereby quashed qua the petitioners.

10.02.2025

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No