
(2022) 04 P&H CK 0021

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 1054 Of 2022 (O&M)

Neelam Devi And Another

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 01-04-2022

Acts Referred:

Indian Penal Code, 1860 — Section 306

Citation : (2022) 04 P&H CK 0021

Hon'ble Judges : Gurvinder Singh Gill, J

Bench : Single Bench

Advocate : Baljinder Singh

Final Decision : Dismissed

Judgement

Gurvinder Singh Gill, J

The petitioners have approached this Court seeking quashing of FIR No.165, dated 29.6.2021, Police Station Model Town, District Hoshiarpur, under Section 306 IPC (Annexure P-1) on the basis of compromise.

Today at the very outset, learned counsel for the petitioners submitted that apart from the grounds of compromise, he may also be permitted to canvas his grounds for quashing of FIR on merits as well.

I have heard the learned counsel for the petitioners.

A perusal of the FIR would show that the same was lodged by father of the deceased Avtar Chand. It is alleged that Avtar Chand was married to Neelam Devi (petitioner No.1) about 14 years back. It is further alleged that about 2 months back, differences had cropped up between Avtar Chand and his wife Neelam Devi because she used to unnecessarily doubt that Avtar Chand was having illicit relations with some lady on account of which they often used to quarrel. It is further alleged that Neelam Devi also used to provoke her parents, sister and brother-in-law upon which her father Pakhar Singh, mother Satya Devi

had visited their house several times and instead of pacifying the matter, they also fueled fire inasmuch as they stated that Avtar Chand was not having any property and cannot satisfy her daughter. It is alleged that about 15 days back Neelam Devi had a quarrel with Avtar Chand and left for her parental home. Although, complainant's son Avtar Chand contacted his in-laws and requested them to meet his wife, but to no avail and on account of which he became upset and later committed suicide.

Upon perusal of the FIR, this Court finds that the matter broadly pertains to abettment of commission of suicide wherein petitioner No.1 Neelam Devi, is alleged to have raised allegations against her husband regarding his illicit relationship with some lady and used to quarrel repeatedly and after she left her matrimonial home a few days back she refused to return, which had upset the deceased.

Since an offence under Section 306 IPC is alleged to have been committed which is a heinous offence and Avtar Chand had committed suicide, therefore, it is not just the Avtar Chand's family who would be the aggrieved, but the offence is broadly committed against the deceased himself. There can be no compromise with the dead man. As such the FIR cannot be quashed on the basis of compromise. As far as the contention of the petitioner regarding quashing of the FIR on merits is concerned this Court is of the opinion that the allegations of raising false allegations against the character of deceased by Neelam Devi herself to the effect that he was having illicit relations and subsequent quarrels with him on the said grounds would prima-facie attract an offence of abettment to commit suicide. Even the relatives had also played a part in the same inasmuch as they had also been troubling the deceased. There are sufficient allegations in the FIR to constitute the offences. No ground for quashing of FIR either on basis of compromise or even on merits is made out.

The petition sans merit and the same is hereby dismissed.