



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

**206**

**CRM-M No.4745 of 2022 (O&M)  
Date of decision: 03.05.2025**

Daljit Kaur

....Petitioner

Versus

State of Punjab and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Sidharth Verma, Advocate  
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. Suresh Kumar Arya, Advocate  
for respondent No.2.

**HARPREET SINGH BRAR J. (Oral)**

1. The present petition has been preferred under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter 'Cr.P.C.') seeking quashing of FIR no. 124 dated 11.05.2018 registered under Sections 306 and 34 of the Indian Penal Code, 1860 (hereinafter IPC) at Police Station Gate Hakima, District Amritsar and all consequential proceedings arising therefrom.

2. Briefly stated, the alleged facts are that respondent No.2-complainant, Ram Dev, had a dispute with a contractor namely Shri Ram in their colony, following which he and his family temporarily shifted to his father's residence. On 11.05.2018, the son of respondent No.2- Sajan@Rahul, returned to their original residence for a routine check. Subsequently, the brother-in-law of respondent No.2- Ajay



Kumar, also visited the house and discovered the body of Sajan@ Rahul hanging in a room therein. A video was recovered from the deceased's mobile phone wherein he had stated that he was ending his life due to harassment by Shri Ram, one Harpreet Singh (referred to as "*Tempo walaSardar*"), and Manjeet Kaur. On this basis, the present FIR(*supra*) was registered.

3. Learned counsel for the petitioner submits that two of the accused persons, namely Shri Ram and Harpreet Singh, were arrested, and trial against them is already underway. As far as the third accused namely Manjit Kaur is concerned, there is no connection between her and the present petitioner, Daljit Kaur. It is argued that the petitioner has never been known by the name Manjit Kaur, and this fact was duly verified by senior police officials through a detailed inquiry. It was concluded that Daljit Kaur is a distinct person and is not the individual referred to in the video or the complaint. The inquiry report unequivocally found the petitioner to be innocent and unrelated to the incident. Furthermore, the petitioner has no involvement in the occurrence in question, nor is there any evidence linking her with the alleged offence.

4. He further contends that the petitioner had intervened in the dispute earlier merely as a respectable elderly person, with the intention of facilitating a compromise between the deceased and the contractor. On finding no incriminating material against the petitioner, the police had submitted a cancellation report before the learned Magistrate.



However, despite the absence of any *prima facie* material, the learned trial Court proceeded to issue summons against the petitioner vide order dated 19.10.2021(Annexure P-3). Learned counsel argues that the same does not align with the settled position of law as there is a conspicuous absence of any overt act or intent attributable to the petitioner that could constitute the alleged offence in terms of Sections 306 or 107 IPC. The FIR(*supra*)has only been lodged with an intent to satisfy personal vendetta and extort money from the petitioner.

5. *Per contra* learned counsel for respondent no.2-complainant contends that the petitioner has been attributed specific role in the video recorded by the deceased-Sajan@Rahul. The deceased was mentally harassedand pressurized by the petitioner and two other accused, which instigated him to suicide. However, he could not controvert the fact that a cancellation report was presented qua the petitioner after due inquiry by the jurisdictional police.

6. Having heard the learned counsel for the parties and upon perusal of the case record with their able assistance, it is apparent that the petitioner's name does not find mention in the suicide video recorded by the deceased- Sajan @ Rahul. Instead, the video refers to one Manjit Kaur, who, as confirmed by the police inquiry, bears no relation or identity connection with the petitioner. The investigation conducted by senior police officials clearly establishes that the petitioner had no role in the incident leading to the registration of the FIR(*supra*). In fact, the petitioner was found to be acting in the capacity



of a neutral and elderly figure, attempting to mediate the dispute between the deceased and co-accused Shri Ram.

7. Based on the abovementioned findings, the investigating agency had submitted a cancellation report qua the petitioner before the learned Magistrate. However, a perusal of the summoning order dated 19.10.2021 (Annexure P-3) would indicate that the learned trial Court has summoned the petitioner stating that she was named as Manjeet Kaur in the FIR(supra) and warrants of arrest were also obtained against her under the name Manjeet @ Daljeet Kaur. It is trite law that an FIR is not to be treated as an encyclopedia for the entire case. It is a mere recording of the available information, as recited by the complainant. Only after the investigation is concluded and a final report under Section 173 Cr.P.C. is prepared that the veracity of the claims made therein can be verified. The Hon'ble Supreme Court in ***Brijendra Singh vs. State of Rajasthan, 2017 (3) R.C.R. (Criminal) 374*** has held that if a person is found to be innocent in view of the evidence gathered during investigation and sufficient reasons have been accorded by the investigating agency to substantiate such finding, the trial Court cannot summon that person as an accused in the absence of any fresh inculpatory material brought on record.

8. On that note, the police has categorically exonerated the petitioner, as it was discovered that she does not have any nexus with the occurrence or even with the name 'Manjeet Kaur.' As such, in absence of the ingredients necessary to constitute the offence under



Section 306 IPC, particularly the elements of abetment and *mens rea*, the learned trial Court has erred in summoning the petitioner to face trial. As such, this Court is of the considered opinion that the learned Court below has fallen into error by passing the impugned order in a casual manner as it is evident that no *prima facie* case is made out against the petitioner on the basis of material available on record. Reliance in this regard can also be placed on ***Dharam Pal and others vs. State of Haryana and another (2014) 13 SCC 9*** and ***Kishun Singh vs. State of Bihar, 1993(1) SCC 16*** and ***Nisar and others vs. State of U.P.***

9. A two Judge bench of the Hon'ble Supreme Court in ***Gangula Mohan Reddy vs. State of Andhra Pradesh 2010(1) SCC 750***, speaking through Justice Dalveer Bhandari, held as follows:

*"19. This court in Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi), 2009(4) RCR (Criminal) 196 : 2009(5) RAJ 278 : 2009(11) SCALE 24 had an occasion to deal with this aspect of abetment. The court dealt with the dictionary meaning of the word "instigation" and "goading". The court opined that there should be intention to provoke, incite or encourage the doing of an act by the latter. Each person's suicidability pattern is different from the others. person has his own idea of self esteem and self respect. Therefore, it is impossible to lay down any straight-jacket formula in dealing with such cases. Each case has to be decided on the basis of its own facts and circumstances.*

*20. 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.*



*21. The intention of the Legislature and the ratio of the cases decided by this court is clear that in order to convict a person under section 306 Indian Penal Code 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"*

9.1. Further, a two Judge bench of the Hon'ble Supreme Court in ***Mohit Singhal and another vs. State of Uttarakhand and others (2024)1 SCC 417***, speaking through Justice Abhay S. Oka, made the following observations:

*"9...Hence, the question is whether the appellants instigated the deceased to commit suicide. To attract the first clause, there must be instigation in some form on the part of the accused to cause the deceased to commit suicide. Hence, the accused must have mens rea to instigate the deceased to commit suicide. The act of instigation must be of such intensity that it is intended to push the deceased to such a position under which he or she has no choice but to commit suicide. Such instigation must be in close proximity to the act of committing suicide.*

*10. In the present case, taking the complaint of the third respondent and the contents of the suicide note as correct, it is impossible to conclude that the appellants instigated the deceased to commit suicide by demanding the payment of the amount borrowed by the third respondent from her husband by using abusive language and by assaulting him by a belt for that purpose. The said incident allegedly happened more than two weeks before the date of suicide. There is no allegation that any act was done by the appellants in the close proximity to the date of suicide. By no stretch of the imagination, the alleged acts of the appellants can amount to instigation to commit suicide."*

10. In view of the discussion above, the present petition is allowed. Accordingly, the FIR No. 124 dated 11.05.2018 registered at



Police Station Gate Hakima, District Amritsar, summoning order dated 19.10.2021(Annexure P-3) and all subsequent proceedings arising therefrom, are hereby quashed against the petitioner.

11. Pending miscellaneous application(s), if any, also stand disposed of.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**03.05.2025**

*yakub*

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No