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

CRM-M-16283-2025

Reserved on : 21.05.2025

Date of Pronouncement : 27.05.2025

Narinder Sharma @ Narinder Singh

... Petitioner

Versus

State of Punjab and another

.. Respondent

**CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Tarun Singla, Advocate for the petitioner.

Mr. Ashim Singla, Advocate for respondent No.2.

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**H.S. Grewal, J.**

This petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.3 dated 11.01.2025, under Section 108 BNS, 2023, registered at Police Station Phool, District Bathinda (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

2. Learned counsel for the petitioner contended that the FIR is outcome of a misunderstanding between the parties and with the intervention of the Panchayat and respectables of the village, the matter has now been resolved. He has referred to a copy of the compromise at Annexure P-2. He has also filed the original affidavit of respondent No.2/complainant in support of the compromise along with CRM-19082-2025 which is taken on record. Learned counsel has relied upon the judgment of Hon'ble the Supreme Court in



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the case of ***Gian Singh versus State of Punjab and another***, (2012) 10 SCC 303 and the Full Bench judgment of this Court in the case of ***Kulwinder Singh and others vs State of Punjab***”, 2007 (3) RCR (Criminal) 1052, in support of his submission that the FIR under Section 108 BNS (erstwhile Section 306 IPC) can be quashed on the basis of compromise if the allegations do not make out a *prima facie* case against the petitioner. He has also relied upon the judgments of the Coordinate Benches of this Court in this regard in the cases of ‘**Hardeep Singh and others versus State of Punjab and another**’, bearing CRM-M-48995-2024, decided on 18.11.2024, ‘**Mohd. Imran and others versus State of UT, Chandigarh and another**’ bearing CRM-M-25962-2023, decided on 15.10.2024 and ‘**Ashutosh Shiv and others versus State of Punjab and others**’, 2023 NCPHHC 156537.

3. Learned counsel has appeared on behalf of respondent No.2/complainant and states that the matter has indeed been compromised and the complainant has no objection in case the present FIR is quashed against the petitioner.

4. I have considered the submissions of learned counsel for the parties and perused the material available on record.

5. The brief facts of the case are that Charanjeet Kaur (respondent No.2), who is the wife of the deceased-Hem Singh, had stated in the FIR that her husband had taken money from the petitioner and on 09.01.2025, the petitioner came to their house and abused them and told the deceased to return his money back. His husband felt insulted and was under stress thereafter. On



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11.01.2025, after returning home, she found her husband hanging and therefore, the present FIR has been registered against the petitioner.

6. It is important to note in the present case that whether offence under Section 108 BNS (erstwhile Section 306 IPC) is made out against the petitioner at the first place from the contents of the FIR because in the case in hand, the petitioner had only asked for return of the loan money and shouted at the complainant and the deceased but after 02 days of the incident, the suicide was committed by the deceased which shows that there is no proximity of the occurrence with abetment of suicide. Moreover, there is no specific allegation of either direct or indirect act of incitement to the abetment of suicide and therefore, offence under Section 108 BNS would not be made out against the petitioner and conviction cannot be sustained.

7. Be that as it may, since the complainant has compromised the matter, she is not likely to support the case of the prosecution. Therefore, no useful purpose would be served by continuation of proceedings which would be likely to be complete wastage of judicial time. It appears that there would be no chance of conviction without the support of the evidence of the complainant.

8. Since the offence under Section 108 BNS is heinous in nature and non-compoundable, the compromise in such offence cannot be allowed because it was expressly forbidden by the Hon'ble Supreme Court to quash the FIR based on the financial settlement with informant, surviving spouse, parents, children or anyone. However, the Hon'ble Supreme Court of India in *Amalendu Pal v. State of West Bengal(2010) 1 SCC 707* has held that in order



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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. 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 this 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 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. It is well settled that the High Court has power to quash the prosecution under Section 528 of BNSS 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 also be made to a Full Bench judgment of this Court in ***Kulwinder Singh and others v. State of Punjab(supra)***. It is equally settled



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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(supra)* and *Narinder Singh and others vs. State of Punjab and another.*

10. In light of the above, the present petition is allowed and FIR No.3 dated 11.01.2025, under Section 108 BNS, 2023, registered at Police Station Phool, District Bathinda (Annexure P-1) along with all subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

(H.S.GREWAL)  
JUDGE

27.05.2025  
A.Kaundal

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No