



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

126

CRM-M-16107-2025
Date of decision: 26.03.2025

Surjit Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mohan Singh Chauhan, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The instant (second) petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') for quashing of FIR No.169 dated 22.07.2022, under Sections 306 of the Indian Penal Code, 1860 registered at Police Station Farakpur, District Yamuna Nagar, final report/challan and charge framing order dated 01.10.2024.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and that the allegations levelled in the FIR (Annexure P-1/T), do not constitute an offence under Section 306 IPC.

3. It has been further argued that the allegations pertain to an alleged dispute over land belonging to complainant, Surjit Kaur, who is the wife of the deceased. As per the allegations, the petitioner, along with co-accused Balbir Singh and Baljinder Singh, harassed the deceased regarding the said land, leading to his suicide. However,



learned counsel asserts that the complainant and the deceased had, in fact, committed fraud upon him concerning the same land.

4. Learned counsel for the petitioner has still further invited the attention of this Court to Annexure P-4/T, an agreement to sell allegedly executed between the petitioner, the complainant and the deceased, whereby they agreed to sell the disputed land to the petitioner for a sale consideration of Rs.21 lakhs. It is contended that despite receiving the payment, neither was the land transferred to the petitioner nor was the money refunded. Reference is also made to Annexure P-6/T to argue that the deceased himself had instructed the complainant to execute the sale deed in favour of the petitioner. Instead of doing so, the complainant lodged a complaint against her husband, the petitioner and other co-accused, alleging an attempt to grab her land. She further accused her husband of being a drug addict and of threatening to commit suicide.

5. Learned counsel for the petitioner has further contended that the essential ingredients of Section 306 of the IPC are not made out against the petitioner, as there is no material on record to indicate that the petitioner had instigated or abetted the deceased to commit suicide. It is submitted that the deceased was a resident of Yamuna Nagar, whereas the petitioner resides in Ambala, and there is no direct or immediate nexus between the petitioner's alleged conduct and the suicide. Further, the case of the prosecution rests solely on the suicide note (Annexure P-3/T), which by itself cannot constitute sufficient material to establish the offence of abetment under Section 306 IPC.



Reliance has been placed upon *Nipun Aneja and others Vs. State of Uttar Pradesh : 2024(4) RCR (Criminal) 753* and *M. Arjunan Vs. State Rep. By its Inspector of Police : 2019(5) RCR (Criminal) 269*, to contend that mere allegations or strained relations, without any direct instigation or active participation in the act of suicide, cannot constitute an offence under Section 306 IPC.

6. I have heard learned counsel for the petitioner and perused the relevant material on record, including the FIR in question as well as the suicide note annexed as Annexure P-3/T.

7. *Prima facie*, the FIR in question discloses specific allegations against the petitioner. The investigation in the present case is complete, with the challan already having been presented and even the charges having been framed. The allegations in the FIR as well as the suicide note *prima facie* disclose the commission of an offence under Section 306 IPC. Furthermore, the case of the prosecution is *prima facie* fortified by the suicide note recovered from the left pocket of the lowers of the deceased at the time of his death. The plea raised by the petitioner that he is a victim of fraud and that the complainant and the deceased had failed to honour the agreement to sell is a matter of disputed fact, which cannot be adjudicated in the exercise of inherent jurisdiction under Section 528 of the BNSS of this Court. Such issues are to be appreciated during trial on the basis of evidence led by the parties.

8. It is well settled that the power under Section 528 of the BNSS to quash criminal proceedings is to be exercised sparingly and



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only in cases where the allegations made in the FIR, even if taken at their face value, do not disclose the commission of any offence or where the prosecution is manifestly frivolous, vexatious, or an abuse of the process of law. The present case does not fall within the exceptions carved out by the Hon'ble Supreme Court in State of *State of Haryana and others Vs. Ch. Bhajan Lal and others (1992 AIR SC 604)*, as the allegations in the FIR cannot be said to be inherently improbable or unworthy of trial. Moreover, once the investigation has been completed, and charges have been framed, the accused must face trial, and quashing of proceedings at such a stage should be done only in exceptional circumstances. The Trial Court is already seized of the matter, and the petitioner would have the opportunity to defend himself during trial, in accordance with law.

9. In view of the foregoing, no ground is made out to quash the FIR in question. The instant petition stands dismissed accordingly.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

26.03.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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