IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38533-2026 (O&M)
Date of decision: 16.11.2026

GURMIT KAUR AND OTHERS

...PETITIONERS

VERSUS

STATE OF PUNJAB & ANOTHER

...RESPONDENTS

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Ms. Navjot Kaur, Advocate for
Mr. B.S. Bhalla, Advocate
for petitioners.

Mr. Sukhbeer Singh, DAG, Punjab.

Mr. Rahul Sharma, Advocate
for respondent No.2.

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SHALINI SINGH NAGPAL J.

1. Petitioners seek quashing of FIR No.68 dated 20.04.2026 under Sections 108, 351(2), 61(2) Bharatiya Nyaya Sanhita (B.N.S.), 2023, Police Station Ramdas, District Amritsar Rural and all subsequent proceedings arising therefrom, on the basis of compromise dated 07.07.2026.

2. The police registered the case on complaint of Dilpreet Singh who reported that he returned from Dubai in 2024 and was married with Jyoti daughter of Lakhwinder Masih on 18.04.2024 as per customary rights. His father, Diwan Chand son of Rana Partap worked as a Postman in Postal Department at Ramdas. Disputes arose between him and his wife and on 6-7 occasions, respectable persons and common relatives tried to bring about reconciliation but to no avail. His wife Jyoti went back to her father’s house 40-45 days ago. On 12.04.2026, a meeting was held in Sanyukt Sangharsh Committee Punjab, Ajnala wherein Jyoti’s brother Karamvir Masih alias Kaka

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and his cousin Jasbir Masih alias Lalla threatened him and his family with death. They also cast assertions on his character in presence of the Panchayat. Since that day, his father Diwan Chand became mentally stressed and on 18.04.2026, at about 07:00 PM, he consumed Sulphas. He was immediately shifted to hospital for treatment where he died on 19.04.2026. His father ended his life on account of the humiliation by his wife Jyoti, Karamvir Masih alias Kaka and Jasbir Masih alias Lalle. Suicide note was also written by his father, who even made a video of the incident.

3. On 19.08.2026, this Court directed the parties to appear before learned trial Court/Illaqa Magistrate for recording of their statements on the basis of compromise.

4. In compliance of the aforesaid order, parties appeared before learned JMIC, Amritsar on 24.08.2026. Statement of Investigating Officer SI Sukhjinder Singh was recorded on 01.09.226. Learned JMIC, Amritsar has submitted her report recording satisfaction that all the parties have entered into a valid compromise without any influence or coercion. Point-wise report as under has been submitted:

> *"1. That, as per the statement of Investigating Officer, in the present FIR six persons are arrayed as accused namely Gurmeet Kaur wife of Kala Singh, Karamveer Masih @ Kaka @ Karamjeet Singh sch of Lakhwinder Singh, Jasbir Masih @ Lalla son of Kashir Masih, Jyoti D/o Lakhwinder Masih, Balwinder Singh @ Bunty son of Kala Singh and Davinder Singh@ Sonu son of Kala.*
>
> *2. That, total six accused persons had appeared before the court and made their respective statement.*
>
> *3. That, as per the statement o Investigating officer, no*

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additional accused has been added.

4. That, as per the statement of investigating officer as well as of accused, the accused persons are not declared as proclaimed offender.

5. That, as per the statement of Investigating officer after the registration of FIR, no other offence was added or deleted during investigation.

6. That, as per the statement of Investigating officer, investigation against all the above said six accused persons is pending and no accused has been declared as innocent.

7. That, as per the statement of Investigating officer, in the present FIR, only one complainant is there, namely Dilpreet Singh.

8. That, as per the statement of Investigating officer, there is only one complainant namely Dilpreet Singh and he has got recorded statement in the court.

9. That, as per the statement of Investigating officer, the case is pending at the investigation stage.

10. That, the complainant and accused persons are party to compromise and the said compromise is genuine, voluntary and without any coercion or undue influence.

11. That, as per the statement of Investigating Officer and accused, the accused persons namely Gurmeet Kaur wife of Kala Singh, Karamveer Masih @ Kaka @ Karamjeet Singh son of Lakhwinder Singh, Jasbir Masih @ Lalla son of Kashir Masih,

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Jyoti D/ Lakhwinder Masih, Balwinder Singh @ Bunty son of Kala Singh and Davinder Singh@ Sonu son of Kala are not involved in any other FIR.

12. That, IO appeared in the court and got recorded his statement."

5. Short reply by way of affidavit of Dharminder Kalyan, PPS, PBI Special Crime and DSP, Sub Division Ajnala, Amritsar Rural has been filed by State of Punjab, which is taken on record. Though, learned State counsel has not raised any dispute regarding the factum of compromise, he submits that the offence under Section 306 IPC/108 BNS was not only non compoundable but also heinous and in view of '***Daxaben vs. State of Gujrarat & Ors. 2022(3) Crimes 224***, the FIR could not be quashed on the basis of compromise with the complainant.

6. Learned counsel for the petitioner, on the other hand, submits that this Court in the exercise of its inherent jurisdiction could even quash an FIR under Section 108 BNS, a non compoundable offence to secure the ends of justice and prevent abuse of process of court.

7. Learned counsel for the petitioner further submits that the Court was not precluded from examining the FIR on merits and even if the allegations therein were accepted as correct, no offence under Section 108 BNS was made out.

8. In ***Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543***, it has been held that:

"*57 The position that emerges from the above discussion can be summarised this the power of the High Court in quashing a*

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criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and victim have settled their dispute would depend on the fact and circumstances of each case and no category can be prescribed. However before exercise of such power the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offence of mental depravity or offence like murder, rape, dacoity etc. cannot be fittingly quashed even through the victim or victim's family and the offender have settled the dispute. Such offence are not private in nature and have serious impact on society. Similarly any compromise between the victim and offender in relation to the offence under special statutes like Prevention of Corruption Act or the offence committed by public servants while working in that capacity etc. cannot provide for any basis for quashing criminal proceeding involving such offences. But the criminal cases having overwhelmingly and pre-dominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offence arising from commercial financial, mercantile, civil partnership or such like transaction or the offence arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personnel in nature and the parties have resolved their entire dispute. In this category of cases. High Court may quash criminal proceedings if in its view because of the compromise between the offender and victim the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and

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> *prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative the High Court shall be well within its jurisdiction to quash the criminal proceeding*."

9. In ***Daxaben Vs. State of Gujarat & Ors***. ***(supra)***, Hon'ble Supreme Court observed as under:-

> *"Offence under Section 306 of the IPC of abetment to commit suicide is a grave, non-compoundable offence. Of course, the inherent power of the High Court under section 482 of the Cr.P.C., 1973 is wide and can even be exercised to quash criminal proceedings relating to non-compoundable offences, to secure the ends of justice or to prevent abuse of the process of Court. Where the victim and offender have compromised disputes essentially civil and personal in nature, the High Court can exercise its power under section 482 of the CrPC, 1973 to quash the criminal proceedings. In what cases power to quash an FIR or a criminal complaint or criminal proceedings upon compromise can be exercised, would depend on the facts and circumstances of the case."*

10. There can be no denying that the Courts should be cautious while ordering quashing of FIR in grave and serious offences only on the basis of a compromise with the complainant. At the same time, while considering the quashing petition on the basis of compromise, this Court is not prevented from determining whether from the allegations in the FIR,

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offence punishable under Section 108 BNS is at all made out.

11. It would be useful, at this juncture to refer to section 108 BNS, which read as under:-

> ***"108 Abetment of suicide:-***
>
> *If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."*

12. It is obvious that under Section 108 BNS, abetment is the most important ingredient of the offence. Abetment is not defined separately in Section 108 BNS. It is a separate and distinct offence. Therefore, Section 45 BNS which defines abetment needs to be referred. Section 45 BNS reads as under:

> *"**Abetment of a thing**: A person abets the doing of a thing, who:*
>
> *(a) Instigates any person to do that thing; or,*
>
> *(b) Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or*
>
> *(c) Intentionally aids, by any act or illegal omission, the doing of that thing."*

13. Abetment may be by instigation, conspiracy or intentional aid as provided above. Instigation means to encourage, animate, goad, urge forward, provoke, incite or bring about by persuasion to do anything. When the present case is examined in the back ground of Section 107 IPC, it is clear that not a single ingredient of Section 306 IPC is made out. The present

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is not a case where the petitioners, by her act or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide and instigation can be inferred.

14. In ***Ude Singh & Ors. Vs. State of Haryana (2019) 17 SCC 301***, Hon'ble Supreme Court observed as under :

> "*In cases of alleged abetment of suicide, there must be a proof of direct or indirect act/s of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions. In the case of accusation for abetment of suicide, the Court would be looking for cogent and convincing proof of the act/s of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.*
>
> *16.1 For the purpose of finding out if a person has abetted commission of suicide by another, the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above-referred, instigation means to goad, urge, forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous*

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> *course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four-corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased.*

15. It is thus evident that to bring a case within the purview of Section 108 BNS, the accused must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Prosecution under Section 108 BNS cannot be allowed to continue on allegation of harassment alone, without there being any positive action, proximate to the time of occurrence on part of the accused which led or compelled the person to commit suicide. **(*See Amalendu Pal alias Jhantu Vs. State of West Bengal (2010) 1 SCC 707 and Rajesh Vs. State of Haryana Criminal Appeal No. 93 of 2019 (Arising out of SLP (Crl.) No. 8667 of 2016 Date of Decision: January 18, 2019*.**

16. In ***Mahendra Singh Vs. State of M.P. 1995 Supp.(3) SCC 731,***

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the appellant was charged for an offence under section 306 IPC based upon the dying declaration of the deceased, which reads as under:

> *"My mother-in-law and husband and sister-in-law (husband's elder brother's wife) harassed me. They beat me and abused me. My husband Mahendra wants to marry a second time. He has illicit connections with my sister-in-law. Because of these reasons and being harassed I want to die by burning."*

17. Hon'ble Supreme Court found that conviction of the appellant for the offence under Section 306 IPC was not sustainable merely on the allegation of harassment to the deceased. It was further held that neither of the ingredients of abetment were attracted on the statement of deceased.

18. In ***State of West Bengal Vs. Orilal Jaiswal, AIR 1994 SC 1418,*** Hon'ble Apex Court observed that the courts should be extremely careful in assessing the facts and circumstances of each case and the evidence adduced in the trial for the purpose of finding whether the cruelty meted out to the victim had in fact induced her to end her life by committing suicide. If it transpired to the court that a victim committing suicide was hypersensitive to ordinary petulance, discord and differences in domestic life quite common to the society to which the victim belonged and such petulance discord on differences were not expected to induce a similarly circumstance individual in a given society to commit suicide, the conscience of the court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty.

19. Hon'ble Supreme Court in ***Sanju @ Sanjay Singh Sengar Vs.***

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State of Madhya Pradesh 2002(2) RCR (Criminal) 687 (SC) has discussed as to what constitutes abetment and the relevant extract of the judgment reads as under :

> "*Reverting to the facts of the case, both the courts below have erroneously accepted the prosecution story that the suicide by the deceased is the direct result of the quarrel that had taken place on 25th July, 1998 wherein it is alleged that the appellant had used abusive language and had reportedly told the deceased 'to go and die'. For this, the courts relied on a statement of Shashi Bhushan, brother of the deceased, made under Section 161 Cr.P.C. when reportedly the deceased, after coming back from the house of the appellant, told him that the appellant had humiliated him and abused him with filthy words. The statement of Shashi Bhushan, recorded under Section 161 Cr.P.C. is annexed as annexure P-3 to this appeal and going through the statement, we find that he has not stated that the deceased had told him that the appellant had asked him 'to go and die'. Even if we accept the prosecution story that the appellant did tell the deceased 'to go and die', that itself does not constitute the ingredient of 'instigation'' The word 'instigate' denotes incitement or urging to do some drastic or unadvisable action or to stimulate or incite. Presence of mens rea, therefore, is the necessary concomitant of instigation. It is common knowledge that the words uttered in a quarrel or in a spur of the moment cannot be taken to be uttered with mens rea. It is in a fit of anger and emotional. Secondly, the alleged abusive words, said to have been told to the deceased were on 25th July, 1998 ensued by quarrel. The deceased was found hanging on 27th July, 1998. Assuming that the deceased had taken the abusive language seriously, he had enough time in between to think over and reflect and, therefore, it cannot be said that the abusive language, which had been used by the appellant on 25th July, 1998 drove the deceased to commit*

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> *suicide. Suicide by the deceased on 27th July, 1998 is not proximate to the abusive language uttered by the appellant on 25th July, 1998. The fact that the deceased committed suicide on 27th July, 1998 would itself clearly point out that it is not the direct result of the quarrel taken place on 25th July, 1998 when it is alleged that the appellant had used the abusive language and also told the deceased to go and die. This fact had escaped notice of the courts below*".

20. Petitioner No.1 is wife of the complainant and other petitioners are her family members. The dispute between the parties was on account of matrimonial discord between petitioner No.1 and respondent No.2. The FIR read with suicide note of deceased on record as Annexure R2 projects that the deceased was unhappy as petitioner No.1 and her family members had taken away all household articles and belongings from the house of the deceased and were exerting pressure for payment of Rs.16 lacs for settling the matter, causing immense mental harassment. Even if the allegations are accepted at their face value, harassment suffered by the deceased at the hands of petitioners on account of matrimonial discord between his son and petitioner No.1, cannot, by any stretch of imagination, amount to abetment or incitement to commit suicide

21. Suicide is, in most cases, result of behavioral defect or frustration on account of hyper sensitive temperament of the victim. In the given facts of the case, petitioners cannot be said to have the *mens rea* to commit the offence under Section 108 BNS. There is nothing in the complaint to the police, revealing that the petitioners intended to push, provoke or urge the deceased to such a position that he commit suicide. No offence under 108 BNS IPC would, thus, be made out. Thus, when

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possibility of conviction is not there, continuation of criminal proceedings would only cause oppression and prejudice

22. In **Daxaben's** case, Hon'ble Supreme court did not examine the question whether the FIR in that case disclosed any offence under Section 306 IPC, as the High Court quashed the proceedings on the sole ground of compromise. In the present case, no offence under Section 108 BNS is attracted and the matter stands amicably resolved between the petitioners and the complainant, who are family members. Continuation of the trial would be an exercise in futility. In similar circumstances, Co-ordinate Benches of this Court have quashed proceedings under Section 306 IPC in ***'Iqbal Singh Sandhu and others vs. State of Punjab and Others' CRM-M-45353-2019, 'Puneet Dhillon vs. State of Punjab and Anr.' CRM-M-9142-2020, 'Ashutosh Shiv and Others vs. State of Punjab and others, CRM-M-24830-2023, 2023 NCPHHC 156537 and 'Rakesh Kumar and another vs.State of Punjab and another', CRM-M-6268-2025, 2025: PHHC:068727.***

23. Since the matter has been amicably settled between the parties, continuation of the criminal proceedings would be an exercise in futility. In the light of principles laid down by Full Bench Judgment of this Court in "***Kulwinder Singh and others Vs. State of Punjab and another" 2007(3) RCR (Criminal) 1052*** and Hon'ble Supreme Court in "***Gian Singh Versus State of Punjab and others" (2012) 10 SCC 303***, it is a fit case for quashing of FIR for the following reasons:-

i. Parties have amicably and voluntarily settled the dispute by recording statements before the competent Court.

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ii. Settlement was executed freely, without coercion, threat, undue influence, or illegal inducement.

iii. Petitioners have clean antecedents and are not habitual, professional, or organized offenders.

iv. There are no wider societal ramifications or adverse impact on public interest on account of the offence alleged.

v. Dispute does not involve public money, public property, public revenue, or third-party rights.

vi. No prejudice will be caused to the public at large, financial institutions, or public authorities.

vii. There would be no disturbance to public peace, public order, social fabric, or public confidence.

viii. Alleged acts do not involve violence, abuse of public office, or breach of public trust.

ix. Matter discloses no larger conspiracy, organized criminal activity, multiple victims, or systemic fraud.

x. Alleged conduct lacks the degree of moral turpitude requiring prosecution post-settlement.

xi. Acceptance of settlement would not undermine the administration of criminal justice or public interest.

xii. Continuation of proceedings would serve no useful purpose and would constitute an abuse of process of law.

xiii. Rejection of compromise would perpetuate unnecessary litigation despite total resoluti on.

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24. Accordingly, the petition is **allowed**. FIR No.68 dated 20.04.2026 under Sections 108, 351(2), 61(2) Bharatiya Nyaya Sanhita (B.N.S.), 2023, Police Station Ramdas, District Amritsar Rural and all consequential proceedings arising therefrom, are quashed qua the petitioners, on the basis of compromise dated 07.07.2026.

25. Pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

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Sumit Singla

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

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