



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2025:PHHC:034730



(123)

CRM-M-8170-2025

Date of Decision: 07.03.2025

Paramjit Kaur & others

--Petitioners

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. Navkiran Singh, Advocate for petitioners.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL.J (Oral)

The instant petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No.48, dated 17.08.2023, under Sections 306, 506, 34 IPC, registered at Police Station, Fatehgarh Panjtoor, District Moga and all other proceedings arising therefrom on the ground that parties have entered into a compromise dated 08.02.2025 (Annexure P-4).

2. Learned counsel for the petitioners contends that the allegations in the FIR pertain to the suicide of Gagandeep Singh (herein after to be referred as “the deceased”), who was the husband of petitioner no.1, Paramjit Kaur. It is submitted that the deceased and petitioner no.1 had been residing separately for two weeks prior to the suicide in question. The primary allegation against the petitioner, Paramjit Kaur, is that she had threatened to initiate legal proceedings against the deceased and his family, which, according to the learned counsel for petitioners, does not amount to instigation or abetment to suicide under Section 306 IPC/106 BNSS, 2023.



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3. It is further contended that subsequent to the lodging of the instant FIR, with the intervention of respectables of the society, the petitioners and the legal heirs of the deceased i.e. his father Sukhwinder Singh, mother Sarabjit Kaur and brother Harpreet Singh have amicably resolved their dispute and executed a compromise deed dated 08.02.2025, which is reproduced hereunder:-

“Today in the presence of the respectable persons the compromise has been entered between both the parties in below terms:-

1. *That the first party Harpreet Singh has got registered the FIR No. 48 dated 17.08.2023 under Section 306/506/34 IPC, at Police Station Fatehgarh Panjtoor against the second party.*

2. *That the first party had suspicion that the second party may have had a hand in the suicide of his brother Gagandeep Singh, but the misunderstanding of the first party has been dispelled by respected persons and now the first party is sure that the second party has no hand in the suicide of the first party's brother Gagandeep Singh.*

3. *That the second party has satisfied the first party in all respects.*

4. *That the misunderstanding or grudge of the first party had towards the second party has now been removed and now the first party has no grudge against the second party in their mind.*

5. *That according to the compromise the first party shall be obliged to give statement regarding the compromise in the concerned Hon'ble court in regard to the compromise.*

6. *That if the Hon'ble Court acquits / gives bails to the second party, then the first party will not have any objection.*

7. *That as per the said compromise the second party will file quashing petition in the Hon'ble Punjab and Haryana High Court, Chandigarh and as per the directions of Hon'ble Punjab and Haryana High Court, Chandigarh the first party will be bound to give a statement on the basis of compromise in the Hon'ble Court.*

8. *That both the parties will live peacefully and neither party shall not move against each other.*



9. *That the compromise has been effected voluntarily by both the parties without any fear, greed or pressure. The compromise has been written, read and signed, so that it will be kept as an evidence.”*

4. Relying on this compromise, learned counsel asserts that therefore there remains no justification for continuing the criminal proceedings against the petitioners.

5. In response to a pointed query by this Court as to how a compromise could be a valid ground for quashing an FIR when the primary victim i.e. the deceased is no longer alive to give consent, learned counsel for the petitioners has asserted that the Coordinate Benches of this Court have in similar cases entertained petitions under Section 482 Cr.P.C and quashed the FIRs based on settlement between the accused and legal heirs of the deceased. In support learned counsel has drawn the attention of this Court to the following cases:-

Sr. No.	Case title: citation	Name of the Hon'ble Single Bench	Whether allowed quashing petition or dismissed the quashing petition.
1.	Ashotosh Shiv Vs. State of Punjab; Lawfinder Doc ID-2531736	J. Harpreet Singh Brar	Allowed the QP of FIR registered u/s 306 IPC after considering the judgment rendered in the case of Daxaben V. State of Gujarat.
2.	Mohd. Imran Vs. State of U.T. Chandigarh; Lawfinder Doc ID-2660217	J. Manisha Batra	Allowed the QP of FIR registered u/s 306 IPC after considering the judgment rendered in the case of Daxaben V. State of Gujarat.
3.	Neha Dhiman Vs. State of Haryana; Lawfinder Doc ID-2333002	J. Deepak Gupta	Allowed the QP of FIR registered u/s 306 IPC after considering the judgment rendered in the case of Daxaben V. State of Gujarat.



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6. It has, therefore, been argued by learned counsel for the petitioners that consistency and uniformity in judicial decisions is essential; therefore, the courts should refrain from adopting a hyper-technical approach and instead resolve the present petition in the interest of justice, as has been done by some of the Coordinate Benches of this Court.

7. Alternatively, it is urged that if this Court is disinclined to quash the FIR on the basis of a compromise, the matter be referred to a Larger Bench, considering the divergence of opinion within this Court regarding the applicability of **Daxaben Vs. State of Gujarat, 2022 LiveLaw (SC) 642**.

8. Notice of motion.

9. On the asking of the Court, Mr. Shiva Khurmi, AAG, Punjab accepts notice on behalf of respondent-State.

10. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the petitioners, by arguing that the offence in question involves the loss of a human life and any compromise entered into with the legal heirs of the deceased is legally inconsequential in a case involving serious, non-compoundable offence. It is further contended that the judgement in **Daxaben's** case (supra) is binding and any judgement passed in contravention of this settled legal position would be *per incuriam*.

11. Furthermore, learned State counsel has also drawn the attention of the Court to the categoric allegations levelled against the petitioners in the FIR in question, which prima facie attract the mischief of an offence of abetment to suicide, and stands reproduced herein under:-



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“Statement of Harpreet Singh son of Sukhwinder Singh son of Natha Singh, resident of Banian Mohalla, Main Bazar Kot Ise Khan, aged about 24 years, mobile No.84373-46932. That I am resident of the above mentioned address and I and my brother Gagandeep Singh runs a goldsmith shop at Fatehgarh Panjtoor. My brother got married a year ago with Paramjit Kaur D/O Sarwan Singh, resident of Sultanwind Gate near Toot Sahib Gurdwara, Amritsar. No child has been born in my brother's house. My sister-in-law (bharjayi) Paramjit Kaur often used to fight with our whole family member. My sister-in-law (bharjayi) called her mother Simran Kaur W/o Sarwan Singh resident of Sultanwind Gate near Toot Sahib Gurdwara, Amritsar and invite her brother Varinderpal Singh S/o Sarwan Singh and all of them put pressure on my brother Gagandeep Singh and threatened our family that you would not stop our daughter from whatever she does or wherever she goes and 15-20 days before Paramjit Kaur fought with my brother and went to her parental house. Simran Kaur and Varinderpal Singh threatened my brother Gagandeep Singh either to give divorce to our daughter with 20 to 50 Lakhs or otherwise we will harass you so that you can commit suicide. Thereafter we got to know that my sister-in-law (bharjayi) was already married and she was divorcee, about which they never told us. Yesterday my brother made a video before he died. On 16.8.2023, Paramjit Kaur D/o Sarwan Singh, Simran Kaur W/o Sarwan Singh and Varinderpal Singh S/o Sarwan Singh R/o Sultanwind Gate near Toot Sahib Gurdwara, Amritsar threatened my brother Gagandeep Singh that we will file a case against you for harassing our daughter Paramjit Kaur, due to which my brother Gagandeep Singh got fed up and ended up his life by hanging himself with fan in is shop at 3:30 pm, due to absence of our relatives we could not get our statement recorded. Today we were coming to Police station to get our statement recorded you met us at Power house, Fatehgarh Panjtoor. Appropriate legal action should be taken

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against them. Sd/- Harpreet Singh, verified sd/- Dilbagh Singh ASI, P.S. Fatehgarh Panjtoor dated 17.08.2023.”

12. I have heard learned counsel for the parties and perused the material placed on record.

13. It is imperative that this Court first examines the scope and limitation of its inherent power under Section 583 BNS, 2023. It is a well settled proposition of law that while this Court has broad discretionary powers to quash criminal proceedings in appropriate cases, such discretion must be exercised with caution, particularly where the offences in question are not only serious and non-compoundable but have wider societal implications.

14. The Hon'ble Supreme Court through its various judicial pronouncements has articulated a clear and consistent stance on the limitations of quashing criminal proceedings in serious and non-compoundable offences, such as murder, rape, dacoity, abetment to suicide etc. The Hon'ble Apex Court has consistently emphasized upon fundamental principles of criminal jurisprudence, the nature of offences affecting society at large, and the duties of the Court to ensure justice for victims who can no longer advocate for themselves.

15. There exists a fundamental distinction between cases arising from private disputes and those involving heinous offences, where the criminal act has ramifications beyond the immediate parties. These crimes cannot be trivialized or nullified through a private settlement. Such indiscriminate quashing of FIRs in serious criminal cases based on a compromise could set a dangerous precedent leading to the misuse of the criminal law wherein false complaints may be filed for extortion, or influential persons may evade liability by coercing or inducing a

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compromise.

16. Therefore, once a criminal case is initiated, it is no longer a matter between the complainant and the accused. Instead, the State assumes the responsibility of prosecution. The complainant only has a right to be heard in ensuring justice but does not have absolute discretion to withdraw charges in serious non-compoundable offences. Therefore, the State bears the duty to prosecute offenders and ensure that justice is served in the interest of society, even if the complainant later chooses to settle.

17. Furthermore and pertinently, quashing of an FIR based on a compromise is only permissible when both the accused and the direct victim are parties to the settlement.

Who is the “Victim” in Cases Involving Death?”

18. Victims can be categorized into three distinct dimensions:-

(i) The Direct Sufferer of Harm i.e. the individual, who has suffered the harm firsthand. In cases of abetment to suicide or homicide, the deceased is the primary victim.

(ii) While legal heirs (such as family members) may have procedural rights (e.g. to claim compensation, file appeals or participate in proceedings), they do not stand in the same position as the direct victim. They cannot unilaterally settle criminal liability in serious cases, as their rights are limited to procedural aspects, not substantive exoneration of the accused.

(iii) The law recognizes a societal interest in protecting individuals from harm and ensuring accountability. Thus, the legal system does not merely focus on individual grievances but also considers the wider implications for public safety and justice.

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19. In offences resulting in death such as those under Sections 302, 304-A, 304-B, 306 IPC etc., the deceased is the primary victim. Because the harm suffered is inevitable, no compromise by legal heirs can substitute the voice of the deceased. By allowing legal heirs to settle such cases unilaterally, the justice system would fail in its duty to hold perpetrators accountable, since the crime does not affect only the family but has wider ramifications for society at large.

20. Another crucial legal principle at play is “*Parens Patriae*”. This doctrine empowers the State and the Courts to act as guardians of those who are unable to defend themselves, including deceased victims. Therefore, it is not for the accused and the complainant to negotiate, especially when the primary victim has lost his life. The duty to ensure that justice is done, lies with the Court and the State, not with private individuals who may settle matters for personal convenience. Furthermore, where the victim is deceased, like in the present case, the Courts must act as if it is directly answerable to the deceased and such cases be approached with the highest sense of responsibility and gravity ensuring that the rule of law is upheld.

21. The Hon'ble Supreme Court in the case of **Daxaben** (supra) has categorically held as follows:-

“37. 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. 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



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Court can exercise its power under Section 482 of the CrPC 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.

38. However, before exercising its power under Section 482 of the Cr.P.C. to quash an FIR, criminal complaint and/or criminal proceedings, the High Court, as observed above, has to be circumspect and have due regard to the nature and gravity of the offence. Heinous or serious crimes, which are not private in nature and have a serious impact on society cannot be quashed on the basis of a compromise between the offender and the complainant and/or the victim. Crimes like murder, rape, burglary, dacoity and even abetment to commit suicide are neither private nor civil in nature. Such crimes are against the society. In no circumstances can prosecution be quashed on compromise, when the offence is serious and grave and falls within the ambit of crime against society.

39. Orders quashing FIRs and/or complaints relating to grave and serious offences only on basis of an agreement with the complainant, would set a dangerous precedent, where complaints would be lodged for oblique reasons, with a view to extract money from the accused. Furthermore, financially strong offenders would go scot free, even in cases of grave and serious offences such as murder, rape, brideburning, etc. by buying off informants/complainants and settling with them. This would render otiose provisions such as Sections 306, 498A, 304-B etc. incorporated in the IPC as a deterrent, with a specific social purpose.”

22. Given this binding precedent, any Coordinate Bench of this Court that has taken a contrary view, with respect, must be regarded as having acted *per incuriam*, and therefore, would not hold authoritative value. The doctrine of *Stare Decisis* also mandates that this Court adheres to the authoritative pronouncements of the Hon'ble Supreme Court rather than

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embark upon a re-evaluation of an issue that has already been conclusively settled.

23. Therefore, the arguments advanced by learned counsel for the petitioners that the matter should be referred to a Larger Bench are equally untenable. This Court cannot disregard a binding judgement of Hon'ble Supreme Court under the guise of judicial reconsideration. The principle of judicial discipline requires that settled law be applied uniformly, without entertaining to attempt to circumvent it or seeking judicial divergence, where none exists.

24. Applying these principles to the present case, this Court finds no scope for divergence from the settled law laid down in case of ***Daxaben*** (supra) and other authoritative pronouncements of the Hon'ble Supreme Court.

25. In the light of the foregoing discussion, the present petition is devoid of merit. The doctrine of *Parens Patriae* obligates this Court to ensure that justice is not reduced to a mere private settlement, particularly when the primary victim is no longer alive. The doctrine of *Stare Decisis* further mandates adherence to settled law. Any departure from the binding legal position laid down in ***Daxaben*** (supra) would constitute a direct violation of Article 141 of the Constitution of India, thereby undermining the consistency, stability and predictability that are the cornerstone of our judicial system.

26. Accordingly, the present petition stands dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

07.03.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No