

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

CRR No.1044 of 2015
Date of Decision:20.07.2015

Dharambir and anotherPetitioners
Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. Vivek K. Thakur, Advocate
for the petitioners.

SNEH PRASHAR, J.(Oral)

1. This revision petition is directed against the order dated 23.02.2015 passed by learned Additional Sessions Judge, Panipat, whereby charges under Sections 498-A, 452, 328 and 304-B and Section 302 read with Section 34 of the Indian Penal Code (for short 'IPC') have been framed against the petitioners.

2. On 02.10.2014, Manisha w/o Suresh resident of Ganjbar who had consumed some poisonous substance was admitted in Prem Hospital. Her statement was recorded by the Magistrate, wherein she stated that in the night when her husband was away on duty, her mother-in-law, father-in-law, brother-in-law (Jeth) and sister-in-law (Jethani) caught hold of her and forcibly administered two tablets to her and ran away. They were demanding a car and other articles from her. When her husband came he brought her to the hospital.

On the basis of the statement of the victim, a case under Section 328, 498-A, 452 read with Section 34 IPC was registered. After

Manisha died, Section 304-B IPC was added to the case. Subsequently the challan was presented only under Section 306 read with Section 34 IPC against the petitioners, who are parents-in-law of deceased Manisha.

3. Heard the submissions made by learned counsel for the petitioner.

4. Learned counsel for the petitioner submitted that from the evidence collected by the police and the material placed before the Court during investigation commission of no offence was made out against the petitioners, however, at the time of serving charge-sheet learned trial Court charge-sheeted the petitioners for commission of offence under Section 498-A, 452, 328, 304-B and 302 IPC. Learned counsel contended that learned Additional Sessions Judge had passed an order on the basis of assumptions and presumptions. After thorough investigation, the police found the allegations contained in the First Information Report incorrect. The facts and circumstances revealed that nobody had forcibly administered poison to the deceased. She had taken the tablets on her own and had falsely named all members of her in-laws family for having administered poison to her. Learned counsel contended that infact there was a dispute over two plots owned by the petitioners which were in illegal possession of their son. The matter was compromised and the possession of the plots had been handed-over to the petitioners and because of that, the deceased, wife of their son, consumed some poisonous tablets and falsely named the petitioners and

other in-laws members of the family. It was a case of suicide by the deceased and not of dowry death or murder.

5. There appears no merit in the arguments of learned counsel for the petitioner. There is a dying declaration of the deceased wherein she had specifically named the petitioners for having forcibly administered the poisonous tablets to her when she was alone in the house. She had also stated that the petitioners were demanding a car and other items from her.

At the time of framing of charge the evidence is not to be scrutinized meticulously and only a prima-facie case is required to be seen. Even a suspicion regarding commission of offence is sufficient for charge-sheeting the accused. It is for the Court to analyze the material produced by the prosecution and decide that the offence committed invoked which provisions of Law. The investigating agency was nobody to decide the authenticity and validity of the dying declaration and to replace the same with a story of their own.

Finding no illegality or perversity, which calls for intervention in the order of learned trial Court, the petition is dismissed.

July 20, 2015
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(SNEH PRASHAR)
JUDGE