

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

CRR No. 2166 of 2014 (O&M)

Date of decision : 12.10.2015

Aloka Chhabra @ Alaka Syal & anr.Petitioners

V/s

State of Haryana & anr.Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Mandeep Kaushik, Advocate for the petitioners.

Mr. Gaurav Dhir, DAG Haryana.

Mr. K.S. Nalwa, Advocate for the complainant.

RAJAN GUPTA J.

Present revision petition is directed against the order passed by Additional Sessions Judge, Gurgaon whereby charge has been framed against the accused under section 306 IPC.

Mr. Ghai, learned Senior counsel has assailed the order. According to him, a perusal of the FIR would show that no offence under section 306 IPC is made out. There has been an effort to implicate the accused by leveling allegations which are general in nature.

Prayer has been opposed by learned State counsel as well as counsel representing the respondents. According to them, allegations against the petitioners are serious. Matter is now proceeding before the trial court and complainant is to depose on 19.10.2015. According to them, a Special Investigation Team was also constituted in this case which submitted a supplementary challan in the case after thoroughly investigating the matter.

I have heard learned counsel for the parties.

FIR was lodged by respondent no. 2 Mani Chhabra. He alleged that his mother was harassed by his wife. She used to threaten that she would implicate his mother in a false case of dowry and get her arrested. Because of this, the deceased used to remain in fear. Not only wife of the petitioner but mother-in-law Leela Sayal and father-in-law B.R. Sayal also extended threats. On 30.09.2005 at about 10.00 a.m., his mother jumped from 8th floor of Sushant Apartment "B" in Gurgaon and ended her life. After registration of FIR, investigation ensued. Challan was presented on 15.12.2005. Complainant preferred a petition (*CRM M-840 of 2006*) before this court for fair investigation and to examine whether offence under section 302 IPC was made out. The investigating agency, however, came to the conclusion that case was made out only under section 306 IPC and submitted a report accordingly. At present, trial is in progress after presentation of challan. It appears that petitioners also filed petition (*CRM M-7979 of 2014*) seeking quashing of FIR on the basis of compromise but withdrew the same. They, thereafter preferred another petition i.e. (*CRM M-15326 of 2014*) wherein FIR was challenged on merits. This petition was also withdrawn with liberty to raise all the pleas at the time of framing of charge. Stand of the State is that *CRM M-15326 of 2014* was withdrawn on May 21, 2014. However, charges had already been framed on March 21, 2014. I find no merit in the plea of the petitioners that no case for framing of charge is made out. At the stage of charge, it is to be seen whether a prima facie case is made out or not. There is, thus, no ground made out for interference in revisional jurisdiction. Dismissed.

October 12, 2015

(RAJAN GUPTA)
JUDGE