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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-32776 of 2014 (O/M)

Date of decision : 20.5.2016

Preet Mohinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jasmail Singh Brar, Advocate, for the petitioner.

Mr. A.P.S. Gill, Assistant A.G. Punjab.

None for respondents No. 2 to 4.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing FIR No. 94, dated 11.7.2014, registered under Section 306 IPC at Police Station Lehra, District Sangrur (Annexure-P-1).

The brief facts, which are required to be noticed for the purpose of disposal of the present petition are that as per the allegations made in the FIR, Surinder Mohan-complainant (now deceased and represented by his legal heirs) had two brothers,

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namely, Parvin Kumar and Rajinder Kumar. It is alleged that they had set up Mahadev Rice Mills in Village Bhai Ki Pishore, in which one Ruldu Ram Lambardar was having 40% share and Preet Mohinder Singh, Former Sarpanch of the village, was having 20% share. It is stated that Vikas Kumar son of Pravin Kumar was maintaining the accounts of the said sheller. Six months before the date of crime i.e. 11.7.2014, Preet Mohinder Singh is alleged to have intimidated and threatened to kill him had scared away Vikas Kumar (nephew of the complainant) from the said sheller and took the charge of all the accounts of said sheller in his hand and did not allow the complainant and deceased Rajinder Kumar to enter the sheller. Rajinder Kumar was stressed and despite his repeated demands, the present petitioner Preet Mohinder Singh did not settle the accounts. It is further alleged that on 9.7.2014, when Rajinder Kumar requested Preet Mohinder Singh (petitioner) to settle the accounts, he abused him. On 11.7.2014, Rajinder Kumar came back after dusting his shop and told the complainant that he being aggrieved by the conduct of Preet Mohinde Singh had consumed celphos tablets. He was immediately removed to hospital where he died.

I have heard the learned counsel for the petitioner, the learned State counsel and have also carefully gone through the file.

The learned counsel for the petitioner contends that the

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contents of the FIR in question do not make any offence against the petitioner. It is further pointed out that the legal heirs of the complainant were made party and they had made statements that they had compromised. However, it is not claimed that the legal heirs of deceased Rajinder Kumar had made such statements. Further, it is stated that on 9.7.2014, the paddy stock was checked by the technical officer of Punjab State Warehousing Corporation, Sangrur, in the presence of Rajinder Kumar (deceased) and some shortage was found and that Rajinder Kumar had also executed a writing to return the mill paddy and in the alternative deposit the amount in the department. Therefore, he stated that affairs of the firm was in the control of Rajinder Kumar and allegations in this regard are incorrect.

Having considered the contents of the FIR in question, it comes out that after the investigation, the challan has been presented before the lower Court. Vikas Kumar, nephew of the deceased has supported the contents of the FIR in question. The mere fact that Rajinder Kumar was present at the time of inspection by the technical team does not mean that he was in control of the affairs of the mill and that the harassment, as alleged by the present petitioner, was not done. Even the allegations are that on 9.7.2014, he was abused by the petitioner. It will come out only from the evidence, as to what kind of abuses were given and whether these

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were sufficient to abet the deceased Rajinder Kumar to commit suicide. In these circumstances, when the investigation is already complete and the challan is presented before the lower Court, this Court does not find it fit to pre-judge the case and quash the FIR in question. Let the matter be decided on merits by the trial Court. Hence, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

20.5.2016
sjks