

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

CRR-2881-2012

Date of Decision: April 11, 2016

KANCHI RAM SAINI

...Petitioner

VERSUS

VIMAL DEVI AND OTHERS

...Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Ram Bilas Gupta, Advocate
for the petitioner.

Mr. Manoj Kaushik, Advocate
for respondents No.1 to 5.

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

KULDIP SINGH J. (ORAL)

The present revision has been preferred against the judgment dated 21.05.2012 passed by learned Judicial Magistrate First Class, Faridabad, vide which the complaint filed by the complainant under Sections 302, 34, 120-B IPC was dismissed without summoning the accused.

I have heard learned counsel for the parties and also gone through the lower Court file.

As per the case of the complainant, his son namely Chaman Lal was married with accused No.1 Vimal Devi for the last 13 years. There used to remain dispute between the husband and wife. Vimal Devi had gone to her parental house. On 24.07.2009 at about 08.00 p.m. when

Chaman Lal brought his wife back to his home at Faridabad from her parental house, then, after about 01 hour she started quarreling with her husband. Then the accused called her mother and brother-in-law at 11.00 p.m. and it is stated that immediately upon their arrival they started beating Chaman Lal Saini with dandas, kicks and fist blows saying that they will finish Chaman Lal. Then accused Nos. 1 to 5 took the son of complainant by dragging him at Sabji Mandi (Vegetable Market). Sanjay, younger son of the complainant also reached there. There again Chaman Lal was beaten up at about 4.00 a.m. The complainant was informed by accused Om Parkash, Chiman, Sheetal and Surender that they have finished the daily dispute by murdering Chaman Lal.

After recording the preliminary evidence, the learned Magistrate dismissed the complainant.

The perusal of the file shows that the postmortem report in this case is very material. The ligature mark found all around the neck and it is found that the deceased died due to asphyxia caused by hanging, meaning thereby that the death is a result of hanging and not the result of any beating given by anybody.

The learned counsel also referred to some injuries mentioned in the MLR. However, the inquiries in this case do not corroborate the case of the complainant that he was beaten up by 05 persons from 11 p.m. till 4.00 a.m. morning at two places. The injury on the arm which appears to be given with some sharp object and cannot be caused with the help of dandas, kicks and fist blows.

Learned counsel for the respondents has placed on file the inquiry report (Annexure R-1) which shows that when the complainant made the report to the police, the police made the inquiry and came to know that in fact Chaman Lal was alone in the house as his wife had gone to her parental house. Chaman Lal had locked the door from inside. On 28.04.2009, he did not open the door despite being repeatedly called from outside. Thereafter, present complainant brought a hammer from the labourers, who were working downstairs and broke open the door. Chaman Lal was found hanging with the ceiling fan with the 'dupatta' around his neck. The dead body was brought down and it was found that he was already dead. The police also found saliva from the mouth and other signs which shows that death was due to hanging, which is most apparently is the result of suicide.

It appears that complainant wants to convert the case of suicide into a case of a murder by involving the wife of the deceased and her relations. The story put forth by the complainant is not supported by medical evidence. Therefore, the complaint was rightly dismissed.

I am of the view that in view of the contrary medical evidence, the complainant could also be liable for perjury, but keeping in view the fact that he has lost a young son, this Court does not proceed against the complainant for making false statement in the Court.

Hence revision is dismissed.

(KULDIP SINGH)
JUDGE

APRIL 11, 2016
Rajneesh