

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

(Sr. No.247)

CRM-M-24512-2014

Date of Decision:-March 7, 2017

RAM MEHAR AND OTHERS

.....Petitioners

V/S

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. J.S.Bedi, Sr. Advocate with  
Mr. Gurbir Dhilon, Advocate for the petitioners.

Mr. D.S. Salwara, DAG, Haryana.

\*\*\*\*

**A.B. Chaudhari, J.**

By the present petition, the petitioner has prayed for quashing of FIR No. 11 dated 29.03.2013 under Sections 306/34 IPC, Police Station GRP Jind, under control of GRP, Ambala Cantt so also the report under Section 173(2) Cr.P.C dated 3.10.2013 (Annexure P2).

Rule. Heard forthwith with the consent of learned counsel for the rival parties.

Learned counsel for the petitioners submitted that the allegations leading to the suicide by the deceased that is the father of the complainant, if carefully perused, really related to the three police officials named in the FIR, by name, Attar Singh OASI, Madan Lal Naib OASI and Rajpal Singh LO. Counsel for the petitioners then contended that as a matter of fact the allegations clearly were made against the colleague police officials by the complainant. There was no question of the petitioners being

involved in the offence of abetment of suicide. The deceased was an employee in the police department who had alleged that he was being harassed by his colleagues that is the police officials named above. As against that the petitioners are the employees of the Transport Corporation which runs the business and have nothing to do with the police department or the employees of the police department or the deceased. However the petitioners have been charge-sheeted with strange allegations that the petitioners had misbehaved with the deceased and therefore he committed suicide as an afterthought. According to him if the allegations themselves taken at their face value, no offence under Section 306 IPC is made out even on the suicide note of deceased Dhara Singh.

Per contra learned counsel for the State and learned counsel for the complainant have vehemently opposed the petition and submitted that the FIR should not be quashed as it is matter of evidence and the prosecution will be entitled to adduce its case before the trial court. Counsel for the respondent therefore prayed for dismissal of the petition.

Heard learned counsel for the rival parties at length. Perused the entire record.

To be precise, following are the allegations as against the petitioners.

*“That on Monday when I went to the bus stand Jind, the conductor Dalbir Singh of village Bibipur has red hair and is slim looking, was booking tickets for Bus No. HR-61A-5329. When I asked him for a seat he used abusive language. When I went to the office of R.S.Sandhu, Traffic Manager to*

*lodge a complaint, in that office there were six officials present who misbehaved with me. The names and addresses of these persons are known to the Conductor and driver of bus No. HR-61-5329. They told me to stand on the roof of the bus and put a shoe in my mouth and apologize otherwise they will not give my identity card back and will also get remove me from my service. They have an union and can get a 'Chakka jaam' and can even remove governments. They called other officials and their Union President via telephone. I thought it would be best to apologize and leave. However, the bus conductor kept saying that we have a Union and we can do whatever we want. If we could want we can get our 10 relatives to ride in the bus. Earlier also a similar incident happened to me at when the Ved Pal's duty was at the bus stand, in front of him they have also done such type of misbehave with me. He knows the names and addresses of these persons. On that day the Adda Conductor of Sisar Kharbala who is known as Nambardar and wears glasses, who may now due to the fear of the union may now retract from the story. You can check my record from 24.12.1979 I have never been absent and have been performed my duty with utmost honesty. As I am innocent, I cannot take my harassment and insult by them. Instead of living a life of harassment, I rather die and infront of above named so many officials what could I do. They threatened me that they would throw me under a bus and run over me with the bus tire and make it like an*

*accident case or will get register an FIR against me and I will not be able to do anything to them. Another thing, today a boy from the village came to me and gave me Ishwar Singh Talu, Driver's mobile No. 9466673927. He had conveyed to me that he would get my ID card taken out but did not do so. I am writing this statement in my senses, in my complete senses without any form of intoxication. In this statement my each and every word is true. They have compelled me to commit suicide, instead of living life like this, I either die. To my family, relatives and friends, this is my final goodbye.”*

From the perusal of the above, it clearly appears by no stretch of imagination that the averments made against the petitioners, who have nothing to do with the police department or the deceased, are not only highly impossible but if taken on their face value, do not make out any offence under Section 306/34. The above allegations have also been recorded in the challan that has been filed against the petitioners. In my opinion all these allegations, above, would not constitute any offence under Section 306 IPC. There are several decisions of the Apex Court which have been cited by learned counsel for the petitioners which I quote hereunder wherein the Supreme Court also quashed the FIR:

- i. Parveen Pradhan vs. State of Uttranchal and another 2012(4) R.C.R.(Criminal) 724.
- ii. Gangula Mohan Reddy vs. State of Andhra Pradesh 2010(1) R.C.R(Criminal) 603.
- iii. M.Mohan vs. State Tr. Dy. Supdt. of Police 2011(2)

R.C.R.(Criminal)272.

iv. S.S.Chheena vs. Vijay Kumar Mahajan and another 2010(4)

R.C.R (Criminal) 66.

v. Sohan Raj Sharma vs. State of Haryana 2008(2) R.C.R  
(Criminal) 810.

vi. Sanju @ Sanjay Singh Sengar vs. State of Madhya Pradesh  
2002(2) R.C.R (Criminal) 687

In that view of the matter and in the light of the above decisions  
of the Supreme Court and in the facts of the present case following order is  
inevitable.

**ORDER**

i. CRM-M-24512-2014 is allowed.

ii. Rule is made absolute in terms of the prayer clause.

**March 07, 2017**

Rajeev

**(A.B. Chaudhari)**  
**Judge**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No