

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30538 of 2015
Date of Decision: 01.02.2017

Nirmla Devi

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.S.S.Majithia, Advocate for the petitioner.

Ms.Manpreet Dhaliwal, AAG, Punjab.

Mr.Bikram Singh, Advocate, for the respondents No.5 to 7.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for directions to the respondents No.1 to 3 to take appropriate legal action against respondents No.5 to 7 for illegally threatening/harassing the petitioner and the investigation of this case be marked to some independent agency Crime Branch, respondent No.4.

The FIR was registered on the statement made by Nirmla Devi in which it is stated that her fourth daughter namely Bindu was married to Jagmohan Verma and she had a son namely Piyush from this marriage. On 19.05.2015, the daughter of the complainant after getting fed up from her mother-in-law and sister-in-law consumed sulphuric acid and died on 02.07.2015.

On notice reply dated 28.01.2016 has been filed on behalf of respondents No.1 to 4, stating therein that petitioner had got recorded her statement (Annexure R-1/T) with the ASI on 19.06.2015 stating therein that

when her daughter would come in conscious then they would get legal

action taken according to her statement. The deceased Bindu on 20.06.2015 was referred to PGI Chandigarh for further treatment and ASI Swinder Singh had recorded her statement but she was declared unfit and she again got recorded the same statement (Annexure R-2/T) as has been earlier in the presence of her son and relative. Subsequently, she was declared fit to make statement as per Annexure R-3/T by the Doctor for written statement. Upon that the deceased Bindu in her own hand writing in Hindi Language had given her written statement (Annexure R-4/T) in the presence of the Doctor in which she has clarified that she had consummated acid by mistake and no body had any fault therein and she did not intend to take any legal action against anyone. This statement was also witnessed by the Doctor and respondent No.5. According to the written statement given by the deceased in her own handwriting. It was further stated in the reply that daughter of the petitioner was died on 02.07.2015 during treatment in PGI Chandigarh. Thereafter FIR Annexure P-1 was got registered.

During investigation, an application was made by respondent No.5 requesting therein to cancel the instant case by enquiring the same. On the basis of enquiry conducted by the official concerned, no such incident of quarreling and teasing to the deceased Bindu by the respondents No.6 and 7 as alleged in the FIR was proved and no offence under Sections 306, 34 IPC was found to have been considered. Consequently, the inquiry officer vide his enquiry report endorsed by the then ACP, South, Amritsar (Annexure R-5/T) recommended for preparing cancellation report in the instant case. It is further submitted in the reply that after obtaining a legal opinion (Annexure R-6/T) from the learned District Attorney (Legal), Amritsar, the cancellation report has been prepared which was to be presented before the learned

Court.

As per status report dated 21.09.2016 filed by way of affidavit of ASI Gursahib Singh, ASI, I.O., after presentation of cancellation report on 11.07.2016, the learned trial Court gave a notice for appearance of complainant-Nirmala Devi for 02.08.2016, but she did not note the notice, hence it was sent back unserved, thereafter, new notice for appearance of the complainant on 15.09.2016, which was again issued by the trial Court, which was again not noted by the complainant, which had to be sent back unserved, thus new notice for appearance of the complainant on 04.10.2016 has been issued by the learned trial Court for appearance of the complainant.

In view of the above, no further directions are required to be issued to the respondents in the matter and the present petition is disposed of. However, petitioner is at liberty to take all the pleas before the trial Court.

(RITU BAHRI)
JUDGE

01.02.2017
anil

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>