

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

**CRR No.382 of 2016 (O&M)  
Date of decision: 10.01.2017**

**Smt. Nirmala and another**

**.....Petitioners**

**Versus**

**State of Haryana**

**.....Respondent**

**CORAM:HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. A.P.S. Sandhu, Advocate,  
for the petitioners.

Mr. D.R. Singla, DAG, Haryana.

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**Ritu Bahri, J.**

This petition has been filed against the order dated 18.12.2015 passed by the Additional Sessions Judge, Sonapat, whereby charge under Section 306 read with Section 34 IPC has been framed against the petitioners.

Nirmala-petitioner No.1 is sister-in-law and Ashok Kumar-petitioner No.2 is brother-in-law of Kavita (since deceased).

FIR No.478 dated 05.08.2015, under Section 306 read with Section 34 IPC was registered at Police Station, Sonipat, on the basis of complaint made by Ran Singh to the effect that marriage of his daughter, Kavita (since deceased) was solemnized with Anand @ Rinku son of Glab Singh about 09 years ago. Out of this wedlock, one son namely, Dharambeer was born. After some time of marriage, mother-in-law namely

Saroj Bala, father-in-law namely Glab, sister-in-law namely Nirmala and brother-in-law namely Ashok started harassing and humiliating Kavita on the pretext of bringing insufficient dowry. Due to this reason, she used to remain disturbed, but the complainant tried to pacify his daughter by thinking that everything would be all right. The complainant got a separate room allotted to her daughter and son-in-law in the same house, but in-laws of her daughter were not mending their ways. On 04.08.2015, at about 08.00 A.M., complainant received a call of his daughter from the mobile phone of his son-in-law, who told him that due to the torture of in-laws, she and her husband, Anand, had consumed poison. She further told that they had written a suicide note and thereafter, the call was disconnected. Thereafter, complainant along with one Raj Kumar (son of his brother) reached the house of his daughter, where a suicide note was handed over to him. He was informed by his maternal grandson that his father and mother were rushed to JK Hindu Hospital. Upon this, complainant went to JK Hindu Hospital, where during treatment, his daughter had expired due to consuming of poison and his son-in-law was undergoing treatment, but was critical. Thereafter, complainant made a complaint dated 05.08.2015 (Annexure P-4) to the police, whereupon the aforesaid FIR was registered. After completion of investigation, challan under Section 173 Cr.P.C. (Annexure P-11) was presented. Thereafter, vide impugned order dated 18.12.2015, the accused have been charge sheeted under Section 306 read with Section 34 IPC.

Learned counsel for the petitioners has argued that there was no evidence on record to show that the present petitioners had ever abetted the deceased (Kavita) to commit suicide. The complainant has falsely

implicated every relative of the husband in the trial. The petitioners are residing in Meham, District Rohtak, which is about 80 to 90 kilometers away from Sonapat, where house of the deceased is situated. The petitioners had never interfered in their family affairs. Learned counsel has further argued that the alleged suicide note (Annexure P-10) cannot be made basis for framing of charge under Section 306 read with Section 34 IPC against the present petitioners. He has referred to the order dated 27.07.2016 passed by this Court in **Hemchander Dahiya Vs. State of Haryana**, CRR No.316 of 2016, whereby the impugned order of framing of charge dated 18.12.2015 had been set aside.

The said petition has been allowed keeping in view that in the suicide note and statement of the deceased recorded under Section 164 Cr.P.C., there was no reference to the interference of Hemchander Dahiya (petitioner therein) in the matrimonial relations of Kavita and Anand. However, the present petitioners cannot rely upon the order passed by this Court in **Hemchander Dahiya's** case (supra) because their names have been specifically mentioned in the suicide note (Annexure P-10). For reference, suicide note (Annexure P-10) is reproduced as under:-

**Suicide Note**

I, Anand @ Rinku stating in my full conscience that my family members have been toruring me and my children for the last 7 years for money and sometime for dowry in which four persons are included namely Gulab Singh, Saroj Bala, Nirmal @ Renu and Ashok, who demanded money.

Anand Singh  
Kavita  
Dharamvir”

In the present case, suicide note (Annexure P-10) had been

recovered during investigation and as per the report given by the Forensic

Science Laboratory (FSL), handwriting on the same had been matched. Keeping in view that the FSL report has verified execution of the suicide note (Annexure P-10) and the names of petitioners find mentioned in the suicide note, at this stage, no ground is made out to set aside the impugned order of framing of charge.

Dismissed.

10.01.2017  
ajp

(RITU BAHRI)  
JUDGE

|                                    |               |
|------------------------------------|---------------|
| <i>Whether speaking/reasoned :</i> | <i>Yes/No</i> |
| <i>Whether reportable :</i>        | <i>Yes/No</i> |