

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

CRR-3055-2017 (O&M)

Date of decision: 31.08.2017

Rajinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Satinder Kaur, Advocate,
for the petitioner.

JAISHREE THAKUR, J.

1. The instant criminal revision has been filed seeking to challenge the order dated 08.08.2017 passed by Sessions Judge, Mansa, framing a charge under Section 304-B IPC against the petitioners.

2. In brief, the facts are that petitioner No.1 is the father-in-law, petitioner No.2 is the mother-in-law whereas petitioner No.3 is the husband, of the deceased Manpreet Kaur. The marriage of petitioner No.3 was solemnized with deceased Manpreet Kaur on 02.12.2014, however, alleged differences arose between the parties. The deceased died within 1½ years of her marriage in her matrimonial home. The brother of the deceased, complainant Baljit Singh got registered an FIR while stating that about Rs. 10 lakh were spent at the time of marriage of his sister of which 8½ lakh were spent on gold and furniture and other articles. It was further alleged that his sister was taunted for not getting a Swift car. On 20.06.2016, he was called by his sister to take her since she was being harassed by her in-laws

for not bringing a Swift Car in dowry and when he reached the matrimonial

home, his sister was lying in a serious condition, from where he took her to a hospital for treatment. Thereafter, he took her to the Civil Hospital where she was declared dead. After completion of investigation, challan was presented in the Court and charges were framed by the trial Court by order dated 08.08.2017 and at the time of framing of charges it was argued that as per the report of the Chemical Examiner no poisonous substance was detected and there was no external injury on the body of the deceased and, therefore, it was urged that no unnatural cause of death is proved to make out an offence under Section 304-B IPC. This contention was rejected by the learned trial Court, which proceedings have been challenged in the instant petition.

3. Learned counsel for the petitioners contends that the learned Sessions Judge has not appreciated the evidence on the record since the Chemical Examiner's report does not show any evidence of poison nor are there any external injuries. In support of her argument, reliance has been placed upon the judgments in *Joydeb Patra and others vs. State of West Bengal, 2013 (2) RCR (Criminal) 338*, *Ram Lal & Ors. vs. State of Rajasthan, 2016(4) Cri. CC 535*, *Lal Singh vs. State of Rajasthan & Anr., 2016(2) WLC (RAJ.) (UC) 343*, *Smt. Mamta Rai vs. State of M.P., 2015(45) R.C.R. (Criminal) 76* and *Satvir Singh vs. State of Punjab, 1997(3) Recent Criminal Reports 578*.

4. I have heard learned counsel for the petitioners and have also perused the record.

5. The prayer made in this petition is for quashing of the charges of Section 304-B IPC as framed by the learned trial Court. A contention is

raised by the learned counsel for the petitioners that the Chemical Examiner's report does not show the presence of any chemical substance nor are there any injuries on the body of the deceased, for the petitioners to be charge-sheeted under the aforesaid section.

6. I do not find that there is any merit in the arguments raised by the learned counsel for the petitioners. At the stage of framing of charge, the Court is not concerned with the proof of allegations but has to form a prima facie opinion of whether there is a probability that the accused has committed an offence which if put to trial could prove his guilt. The power to quash criminal proceedings has to be exercised very sparingly and that too in the rarest of the rare cases. It is only if allegations are absolutely absurd and improbable that no prudent person can ever reach such a conclusion and where the basic ingredients of a criminal offence are not satisfied, then the Court may interfere. The case law as relied upon by the counsel is distinguishable and not applicable to the facts of the instant case. Recently, in a case reported as *State of Rajasthan vs. Fatehkaran Madhu, (2017) 3 SCC 198*, it has been held that power of quashing criminal proceedings should be exercised very sparingly. Similar views have been expressed in *State of Maharashtra vs. Salman Salim Khan and another, (2004) 1 SCC 525* and *State of Delhi vs. Gyan Devi and others, AIR 2001 SC 40*.

7. In the case in hand, specific allegations have been raised by the complainant that the petitioners accused in the FIR, were raising a demand for a Swift car to be given and the sister of the complainant was harassed to that effect. It is also an admitted position that the death took place within

seven years of her marriage and that too while she was residing in her matrimonial home. *Prima facie* the ingredients of section 304B IPC would be satisfied for framing of charges.

8. In view of the above, there is no ground for interference by this Court in quashing the charges that have been framed against the petitioners. However, while dismissing the petition it is made clear that any observations made here would not be deemed to be an opinion on the merits of the case, which in turn has to be decided on the basis of the evidence before the court.

9. Dismissed.

31.08.2017

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.