

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

225

CRM-A-1978-MA-2018 (O & M)  
Date of Decision:05.12.2018

Satish

...Applicant

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. U.K. Agnihotri, Advocate  
for the applicant.

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**MANOJ BAJAJ, J.**

Satish-complainant has preferred this appeal against the judgment dated 25.01.2018 passed by the learned Additional Sessions Judge, Sonapat, whereby accused have been acquitted of the charges in case FIR No.163 dated 28.03.2015 under Sections 306 and 34 IPC, Police Station Sadar, Sonapat (Ex.PW-11/A).

The brief facts leading to the appeal are that complainant-Satish gave a complaint in respect of suicide committed by his brother namely Sandeep (deceased) on the allegations that he was working as a Teacher and was in relationship with Priyanka, daughter of accused Shamsher and Indrawati. It is alleged that on 25.03.2015, Sandeep informed the complainant about his relationship as well as the opposition being made by the parents of the girl. It is further alleged that he is being blackmailed demanding ₹20 lacs and if the amount is not paid, Sandeep will be implicated in a rape case. On the next day, even complainant brothers had a talk with the family of the girl. The complainant has alleged that on

28.03.2015, his brother Sandeep committed suicide by consuming some poisonous substance and left behind a suicide note (Ex.PW-2/B).

After registration of a formal FIR, the investigation was carried out and a final report under Section 173 (2) was submitted. After framing of charges, the prosecution examined in all 17 witnesses. After examining the entire material evidence on record, the learned trial Court proceeded to acquit the accused of the charges.

Learned counsel for the applicant has contended that the Courts below while acquitting the accused persons have ignored the suicide note (Ex.PW-2/B) left behind by Sandeep (deceased). A copy of the suicide note has been produced before the Court and on examination of the same, it can be safely inferred that deceased-Sandeep was already married and having children. He, in the alleged suicide note, has mentioned about his mistakes and pardon from his brother to whom the suicide note is addressed. It is quite possible that Sandeep felt guilty being involved with a girl, who is a minor, as the parents of the girl were opposing his conduct.

The judgment passed by the Courts below has been perused and in paragraph 35, the learned trial Court has discussed in detail the said suicide note. Para 35 reads as under:-

*“In order to prove the charge punishable under Section 306 IPC, prosecution is required to lead cogent and convincing evidence. As per the suicide note Ex.P2/B deceased Sandeep admitted that he has committed mistake. As per the evidence of PW4 Dinesh, deceased Sandeep was having close relation with Priyanka. PW1 Rakesh and PW2 Satish also deposed*

*that deceased Sandeep was on talking term with Priyanka. Priyanka was minor. Deceased was teacher in the school and Priyanka was his student. Therefore, the character of the deceased was certainly doubtful. He was having relationship with Priyanka, who was his student. Accused are parents of Priyanka. The allegations against the accused are that they put pressure on the deceased to pay an amount of Rs.20.00 lac otherwise, they would report the matter to the police and get involve the deceased in a false rape case. If the deceased had not committed any wrong act with minor Priyanka, who was his student, there is no hitch for the deceased to approach the police authorities for getting registered the case against the accused for demanding money on the pretext of getting him involved in a false rape case. Neither the deceased nor his family members moved any complaint to the police or the higher authorities. The conduct of the deceased shows that he has done some wrong act with Priyanka otherwise he would not have mentioned in his suicide note Ex.P2/B that he has committed mistake. It has come in the evidence of PW1 Rakesh, PW2 Satish, PW4 Dinesh that they went to the house of accused on 26.03.2015 and as such the entire incident came in the knowledge of these witnesses as well as their family members. There is no evidence as to how accused harassed deceased Sandeep to commit*

*suicide. Therefore, it cannot be said that accused compelled or abetted deceased to commit suicide. It appears that deceased committed suicide as he was having apprehension that some criminal case might be registered against him for having relations with minor Priyanka.”*

Therefore, in view of the above mentioned facts and circumstances and the evidence on record, the necessary element of abetment or inducement to commit suicide is completely missing. The view adopted by the Courts below is based upon the only possible view, which is borne out from the prosecution evidence including the suicide note. No ground for interference is made out.

Accordingly, the present application seeking leave to appeal is dismissed.

05.12.2018  
*sheetal*

**(MANOJ BAJAJ)**  
**JUDGE**

Whether Speaking/Reasoned: Yes/No  
Whether Reportable : Yes/No