

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-A-2154-MA of 2017
Date of Decision: 15.05.2018**

Khareti Lal

...Applicant-appellant

VERSUS

Anju and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kamal Chaudhary, Advocate
for the applicant-appellant.

SURINDER GUPTA, J.(Oral)

This is appeal against acquittal of respondent no. 1-Anju in case bearing FIR No. 159 dated 14.06.2015, registered at Police Station PGIMS, Rohtak for offence punishable under Section 306 IPC.

2. Husband of respondent no. 1-Anju committed suicide on 14.06.2015 by consuming *sulfos*. He left behind suicide notes levelling allegations against his wife and her family members, which find reference in para 27 of the judgment passed by the trial Court, which is reproduced at follows:-

“27. In this case a perusal of suicide note running in three different parts, one on the poster of a child and second and third in the shape of postcard size paper reveal that Anju and her parents are responsible for his death and they should be punished with life imprisonment. They did not allow him to live and made him tense. Anju used to steal the gold articles and money of his (Naresh) mother and used to handover the same to her (Anju)

mother. He also received a telephonic call at 12.30 and they had threatened him to implicate in a false case. Since, he was all alone so they take benefit of this fact, they used to ask him not to talk with his mother and due to this fact he was very sad. The mother of Anju did not allow Anju to settle her matrimonial home. On 12.31 he received a telephonic call from Anju and her mother that they would institute a case against him. Now, they would institute a case on his dead body. Her mother did not allow her to sire a child.”

3. Admittedly, the deceased was married with respondent no. 1-Anju and both were not having cordial relations. About 20-22 days before the incident, respondent no. 1-Anju left her matrimonial home and was living with her parents. The prosecution has alleged that before suicide deceased had received threats from respondent no. 1-Anju that she would come his home and implicate him in a false case.

4. Learned counsel for the applicant-appellant has argued that in three suicide notes left by the deceased he had levelled allegations against his wife and her family members for compelling him to take extreme step to end his life by committing suicide. The offence under Section 306 IPC was duly proved but the trial Court has discarded the suicide notes and statement of prosecution witnesses while acquitting respondent no. 1. The deceased and respondent no. 1 were married for the last 8-9 years. It is proved on file that there was no other reason for the deceased to commit suicide except his harassment from hands of respondent no. 1, which amounted to abet the deceased to commit suicide. Observations of the trial Court that the

prosecution has failed to prove that respondent no. 1 had abetted the deceased to commit suicide are not based on proper appreciation of evidence. Deceased had committed suicide as he was fed up with acts of his wife, who used to steal gold ornaments belonging to his mother and hand over the same to her mother and then threatened the deceased to implicate him.

5. The deceased has blamed his wife in the suicide notes left by him. As per suicide notes, he was aggrieved as his wife used to steal gold articles and money of his mother and hand over the same to her mother. He had declared in the suicide notes that respondent no. 1 and her parents were responsible for his death and wanted that they should be punished with imprisonment for life. Brother of deceased, namely, Khareti Lal, who appeared as PW-3 has stated that deceased married respondent no. 1 about 8-9 years ago. He (deceased) used to remain tense as his wife and her parents were threatening him on telephone. Respondent no. 1 had left her matrimonial home 20-22 days before the incident and being fed up with threats, deceased consumed pesticide tablet of '*sulfos*' and committed suicide. Before committing suicide, deceased had apprised him that respondent no.1 extended threat to implicate him (deceased) in a false case. He had consoled and asked him not to worry and also called his sister and brother-in-law, but at about 02.00 p.m. he found that froth was coming from mouth of the deceased, who was then taken to PGIMS Rohtak. On the way deceased disclosed about three suicide notes left by him at home. In hospital, the doctor started his treatment but could not save him.

6. From the evidence on record, deceased appeared to be fed up with behaviour of his wife. Their relations were not cordial and his wife had

left her matrimonial home about 20-22 days before the incident.

7. The question before the trial Court was as to whether act of respondent no. 1 has induced the deceased to end his life by committing suicide. It appears that the deceased was hypersensitive to petulance, discord and differences in domestic life. Instead of discussing the matter with his wife, her family members or through *panchayat* he took extreme step to end his life by committing suicide. In order to prove that a person abets the doing of a thing the prosecution is required to prove that respondent no. 1 by her conduct had instigated the deceased to commit suicide. The only evidence relied upon by the prosecution is alleged call received by the deceased on the day of incident about which he has confided with his brother Khareti Lal by telling him that respondent no. 1 had extended threat that she would come home and implicate him in a false case. Here a question which arises for consideration is as to whether such a threat even if given by wife amounts to abet commission of suicide by the deceased. Trial Court has discussed all the facts, evidence and law on the point in detail before concluding that prosecution has failed to prove that respondent no. 1 had abetted the deceased to commit suicide. The version of prosecution that the deceased had received a call from respondent no. 1 wherein she has threatened to falsely implicate him, was held as not proved from call details placed on record. While discussing call details, trial Court has discussed in para 41 of the judgment as follows:-

“41. In this case, the prosecution has placed on record call detail report Ex.P25 showing that Naresh had received telephonic call on his mobile but no evidence has been collected by the prosecution that on 14.6.2015 at about

12.30/12.31 he had received any telephonic call from Anju or her mother. It reveals about the receipt of call at 12.17: 23 seconds but no evidence has been collected that the call was received from the mobile owned by Anju or used by her. This mobile phone has been shown in working up to 20.14, 28 seconds. So, the call details report does not corroborate the suicide note and testimony of PW3 Kharati Lal etc. In fact there is no call detail showing the receipt of call on the mobile phone of deceased as revealed in suicide note. The prosecution has not lead any evidence which could show on earlier occasion whether or not the deceased Naresh or his family members has to attend the police station or Court at the instance of the accused Anju. No oral evidence has been led by the prosecution which could show that on earlier occasion also the accused had extended such threats. The deceased Naresh after receipt of alleged telephonic call had met his brother PW3 Kharati Lal who had consoled him and asked not to disturb but as per the suicide notes, the deceased wanted to teach a lesson to the accused and her family members.”

8. It appears that matrimonial life of the deceased was not smooth and cordial. Though, he had tried to put entire blame on respondent no. 1, things may be otherwise. It is quite possible that he was baffled and not feeling comfortable due to her leaving matrimonial home. The solution of all the matrimonial grievances does not lie in committing suicide by one of

the spouse. The fact that respondent no. 1 had left her matrimonial home 20-22 days before the incident show that all was not well between the two. In her statement under Section 313 Cr.P.C. she has stated that the deceased and his family members used to treat her badly but she always tried to save her matrimonial home. Even if it be believed that she had threatened to launch prosecution of the deceased or to file a case against him in order to avail legal remedy available to her, this by no stretch of imagination can be termed as abetment to the deceased to commit suicide.

9. On perusal of judgment passed by the trial Court, I find no factual or legal infirmity therein calling for any interference in this appeal, which has no merit. No reason is made out to allow the application under Section 378 (4) Cr.P.C. to grant leave to appeal, which has no merit and the same is dismissed.

May 15, 2018

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No