

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-16808 of 2015 (O&M)

Date of decision : 10.8.2018

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Ramesh Sarpanch and others

.....Petitioners

vs.

State of Haryana and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Sanjeev Sheoran, Advocate
for the petitioner.

Mr. Surender Gandhi, Advocate for respondent No.1.

Ms. Aditi Girdhar, Assistant Advocate General,
Haryana.

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H. S. Madaan, J.

This petition under Section 482 Cr.P.C. for quashing of impugned order dated 24.3.2015 vide which the additional Sessions Judge, Rohtak, has framed charge for offence under sections 306, 511, 506, 34 IPC, has been filed by the petitioners Ramesh Sarpanch, Suman, Sita, Jai Narain and Krishan, all of them being accused in the said case.

Briefly stated, facts of the case are that the FIR in

question was registered on the basis of statement of complainant Surajbhan s/o Chand r/o Kamla Nagar, Rohtak, aged about 55-56 years, wherein he stated that his son Deepak was married with Suman d/o Dharampal r/o Kaimla, Karnal. Suman used to quarrel with their family almost daily and she ousted him and his wife from home after levelling false allegations and picking up quarrel with them, as such he and his wife started residing in a rented accommodation. A few days earlier Suman had beaten up her husband Deepak in the street. Deepak accordingly informed parental family of Suman and Ramesh Sarpanch. At that time, Jai Narain r/o Kaimla had threatened to kill Deepak. Krishan - uncle (fufa) of Suman also used to instigate Suman against them. Both the parties had gone to Police Station to work out a compromise and while sitting in a vacant plot situated outside the Police Station, Ramesh Sarpanch, Suman, her mother Sita, father Dharampal, Jai Narain alongwith Krishan, threatened that they would destroy Deepak and his family and would lodge a false case against them at Karnal. As such due to that pressure, Deepak consumed some poisonous substance. He was taken to the Hospital for treatment. Deepak was un-conscious. On the basis of such statement formal FIR was registered. Deepak had however, survived.

After registration of the FIR, the case was investigated. The accused were arrested in this case. After completion of investigation and other formalities, the accused were challaned. Subsequently, the accused were charge sheeted. They felt aggrieved by framing of charge against them for offences under Section 306 IPC read with Section 511 IPC, as such have filed the present petition,

notice of which was given to the respondents,

Respondent No.1 State of Haryana has appeared through State counsel, whereas respondent No.2 complainant through Mr. Surender Gandhi, Advocate.

I have heard counsel for the petitioners, learned State counsel, learned counsel for the complainant, besides going through the record, and I do not find any merit in the present petition.

Chapter XVIII Cr.P.C. deals with the trial before the Court of Sessions. Section 227 appearing under it deals with discharge. It provides that if, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.

Section 228 deals with framing of charge, which provides that if, after such consideration and hearing as aforesaid, the Judge is of opinion that there is ground for presuming that the accused has committed an offence which is exclusively triable by the Court, he shall frame in writing a charge against the accused.

In the instant case, the trial Court has recorded its subjective satisfaction. A perusal of the impugned order goes to show that learned additional Sessions Judge, Rohtak, had heard arguments on the point of charge and thereafter perusing the report under Section 173 Cr.P.C. and documents annexed therewith, finding a

prima facie case under Section 306, 511, 506, 34, IPC against the accused directed that they be charge sheeted accordingly.

The law is well settled that while framing the charge, the Court need not give detailed reasons, whereas such reasons are required to be given if the accused are discharged. Further more the law on the point is settled that charge can be framed on the basis of strong suspicion even. In this case all the accused are specifically named and criminal acts attributed to them. After completion of investigation, they have been forwarded to face trial. The trial Court has recorded subjective satisfaction of a prima facie case being disposed against the accused and therefore, framed the charge. No fault could be found with the order framing charge for offence under Sections 306, 511 IPC, besides other offences. The accused would definitely get an opportunity to defend themselves in the form of cross examining the prosecution witnesses, leading evidence in defence. Further more, the purpose of framing charge is to inform the accused of the case of prosecution against him so that such accused may not be taken by surprise during the trial. However, the charge can be amended or altered at any stage by the court.

Learned counsel for the petitioners has referred to authority *Sanju @ Sanjay Singh Sengar vs. State of Madhya Pradesh 2002 (2) RCR (Criminal) 687*, by the Apex Court, wherein as per facts of the case, a quarrel had taken place between accused and husband of his sister; that accused had told the deceased to go and die and deceased had committed suicide on the third day of quarrel. It was observed that it cannot be held that suicide was direct

result of quarrel since there was enough time for deceased to think over and reflect. Therefore, charge of abetment against accused was quashed.

However, I find that this authority is of not much help to the case of the petitioners. The observations were made in light of the facts and circumstances of that case. Whereas the facts of the case are quite different. Therefore, this authority does not help the petitioners.

I do not find any merit in the petition and the same stands dismissed.

10.8.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No