

CRM-M-19682-2017 &
CRR-1174-2017

-1-

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

(1) CRM-M-19682-2017

Neelam

...Petitioner

Versus

State of Haryana

...Respondent

(2) CRR-1174-2017

Ramphool

...Petitioner

Versus

State of Haryana

...Respondent

Date of Decision:-24.9.2018

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Gaurav Mohunta, Advocate
for the petitioner in CRM-M-19682-2017.

Mr.Sushil Jain, Advocate
for the petitioner in CRR-1174-2017

Mr.Neeraj Poswal, AAG, Haryana.

Mr.M.S. Rana, Advocate
for the complainant.

H.S. MADAAN, J.

By this order, I shall dispose of CRM-M-19682-2017 filed by petitioner Neelam and CRR No.1174-2017 filed by petitioner Ramphool.

CRM-M-19682-2017 has been filed seeking quashing of FIR No.377 dated 7.8.2015, under Sections 306, 506 & 34 IPC, registered at Police Station Meham, District Rohtak as well as order and charge-sheet dated 20.2.2017 altering the charges to Sections 305, 506 & 34 IPC and Section 17 of POCSO Act along with all consequential proceedings arising therefrom qua the petitioner Neelam.

Whereas CRR-1174-2017 has been filed against the impugned order dated 20.2.2017 passed by learned Additional Sessions Judge, Rohtak.

Briefly stated, the facts of the case are that criminal machinery in this case was set into motion by complainant – Kuldeep son of Ishwar, resident of Meham, who in the written complaint addressed to Superintendent of Police, Rohtak received at Police Station Meham sought taking of action against Praveen and Neelam contending that his daughter (name not being mentioned to conceal her identity and referred to as '*the prosecutrix*') was a student of 12th Class in BPS School, Bhaini Maharajpur, Meham and she used to travel by school bus; that on 25.6.2015 while the family members had gone to sleep, on the next day in the morning at about 5:00 a.m., they found that his said daughter was missing from her room and while looking out for her in another room, she was found hanging from the rope; that she was brought down. In the written complaint, the complainant submitted that Parveen, resident of

village Bhaini working as a driver on the school bus in which the deceased used to go to school was pressurising her to contract marriage with him and a Teacher namely Neelam teaching in that very school was helping Praveen in that matter threatening the deceased that she should marry Praveen otherwise brothers of Neelam, who are *GUNDAS* (goons) would abduct her and kill her; that the deceased had informed her mother, who in turn had intimated father of deceased namely the complainant in that regard; the complainant went to village of Praveen and informed one of the persons known to him there, then Parveen's father Chandu Ram along with Parveen and other relatives came to the house of the complainant and tendered apology giving assurance that Praveen would not do any wrong activity, however, while leaving Praveen said something to the deceased quietly, which could not be heard by the complainant; that one person named Gandhi (Ramphool) had stated that the the prosecutrix should die otherwise she would bring bad name; that as advised by his relatives, the complainant cremated dead body of his daughter; that on 20.7.2015 while going through the books of the deceased, the complainant found a letter of four pages. According to the complainant on 22.7.2015, Praveen met him at bus stand and stated that because of him, he had been fired from the job as bus driver and if the complainant revealed the contents of the suicide letter, then he would kill him and his family or force them to commit suicide. According to the complainant, he informed his wife, who advised him to report the matter to the police, as such he had submitted the written complaint.

On the basis of that written complaint, formal FIR was registered and investigation in the case started.

Taking up petition, under Section 482 Cr.P.C. filed by petitioner Neelam first, in the FIR she is not only named but specific allegations are there against her of threatening the deceased asking her to contract marriage with bus driver Praveen, otherwise she would get her abducted and kill through her brothers, who were *GUNDAS* (goons). In the suicide note, which is in the handwriting of the deceased, the allegations in detail in that respect are there. After completion of investigation, challan has been filed against her and her co-accused Praveen and charge has also been framed against her. There is absolutely no ground for quashing of the FIR, report under Section 173 Cr.P.C. or the charge framed against the petitioner/accused.

As regards her contention of altering the charges to Sections 305, 506 and 34 IPC and Section 17 of POCSO Act, the trial Court after considering the facts and circumstances of the case, the evidence collected by the investigating agency during investigation and hearing the Public Prosecutor and defence counsel has framed charge for the offence under Sections 305 read with Section 34 IPC read with Section 17 of POCSO Act, 2012 against all the three accused namely Praveen, Ramphool and Neelam, under Section 506 against accused Praveen and Neelam and under Section 12 of POCSO Act, 2012 against accused Praveen. As per the FSL report, the suicide note had been found to be in handwriting of the deceased. There is no reason to alter the said charge in any manner. The trial against the accused is going on and their guilt shall

be determined during the trial. The FIR lodged, the challan filed besides subsequent proceedings are certainly not abuse of process of law but are being carried out as per law. There is absolutely no ground for allowing the petition under Section 482 Cr.P.C. filed by petitioner Neelam and revision petition against framing of charge filed by accused Ramphool.

Finding no merits, both the petitions stand dismissed.

24.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No