

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

**CRM-M-3912-2017(O&M)
Date of decision:-4.7.2018**

Harish Dahiya @ Harish and another

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present : Mr.Rajinder Mahajan, Advocate
for the petitioners.

Mr.Dhruv Dayal, Sr.D.A.G., Punjab.

H.S. MADAAN, J.

This petition under Section 482 Cr.P.C. for quashing of FIR No.138 dated 14.9.2016, under Sections 306/34 IPC, registered with Police Station Dasuya, District Hoshiarpur has been filed by petitioners - Harish Dahiya @ Harish and his wife Mrs. Begi Bental Saini @ Baji Nanaan, both of them being accused in the said case.

Briefly stated, facts of the case are that FIR in the case was lodged by complainant Prithipal Singh son of Tara Singh, resident of village Ushman Saheed, Dasuya, District Hoshiarpur in which he stated that his daughter Sukhwinder Kaur was married with Arwinder Singh Saini son of Uday Shanker Saini, resident of village Lodhi Chak about

five years earlier; that after some time of marriage, in-laws family of Sukhwinder Kaur started torturing her physically; that the matter was patched up several times in Women Police Station but there was no change in the behaviour of in-laws family of Sukhwinder Kaur, comprising her husband Arwinder Singh, mother-in-law Pushpa, sister-in-law Baji and Baji's husband Harish, who used to torture her, as such, Sukhwinder Kaur swallowed some poisonous substance in the midnight of 13/14.9.2016 and she died. He further stated that death of Sukhwinder Kaur had taken place due to her torture by her husband Arwinder Singh, mother-in-law Pushpa, sister-in-law Baji and Baji's husband Harish, the last two being petitioners before this Court. After registration of the FIR, the matter was investigated, during the course of which, the accused were arrested. The deceased had executed a suicide note, which roughly translated is as follows:

“I Sukhwinder Kaur being fed up with the attitude of my husband Arwinder Singh and his family (Pushpa, Beji and Harish) ending my life. All these persons are responsible for my death.”

After completion of investigation and other formalities, the accused including the present petitioners were challaned. They have been charge-sheeted and out of 22 prosecution witnesses, five are said to have been examined. The petitioners are seeking quashing of FIR for the reason that no specific role has been attributed to them in the FIR as well as in the suicide note, which request is being vehemently opposed by the State counsel.

I have heard learned counsel for the parties besides going

through the record and I find that there is no merit in the petition. As is the settled law that the purpose of recording of FIR is to set the criminal machinery in motion. It is only during investigation after registration of the FIR that the investigating agency probe the matter and find out as to whether any cognizable offence is disclosed against the accused. In the instant case both the petitioners are specifically named in the FIR and the allegations of harassment and torture of deceased at their hands are mentioned. The FIR was lodged by father of the deceased, who categorically got it recorded that his daughter Sukhwinder Kaur had committed suicide due to torture caused by her husband – Arwinder Singh, mother-in-law Pushpa, sister-in-law Beji and sister-in-law's husband Harish, later two being petitioners before this Court. In the suicide note also both the petitioners have been blamed by the deceased for forcing her to take the extreme step of ending her life. During the course of investigation, the investigating agency found sufficient evidence against them so as to forward them to face trial. The petitioners cannot seek quashing of the FIR, challan and other proceedings on any ground. Of course, the FIR can be quashed but in exceptional cases when it does not disclose commission of any cognizable offence or is found to be an abuse of process of law. None of such conditions exist in the present case.

Learned counsel for the petitioners has referred to various authorities, which are as under:

- 1. Amalendu Pal @ Jhantu Versus State of West Bengal, 2010(1) RCR(Crl.) 643.*
- 2. M.Mohan Versus State Tr.Dy.Supdt. Of Police,*

- 2011(2) RCR(Crl.) 272 (SC).*
3. *State of Kerala and others Versus S. Unnikrishnan Nair, 2015(4) RCR(Crl.) 241(SC).*
4. *Netai Dutt Versus State of West Bengal, 2005, Cr.L.J. 1737.*
5. *Smt.Raj Rani Vs. State (Delhi Admn.), 2000 AIR(SC)3559.*
6. *KRJ Sarma Versus R.V. Surya Rao, 2013(2) RCR(Crl.) 930.*
7. *Kishore Dattatraya Shinde Versus State of Maharashtra, 2016(1) Crimes 273.*
8. *Jagdeep Kaur Versus State of Punjab, 2013(4) RCR(Crl.), 1013.*
9. *Ajay Singh Parveen and another Versus State of UT Chandigarh 2011(2) RCR(Crl.) 405.*
10. *Pritam Singh and another Versus State of Punjab, 2015(2) RCR(Crl.) 633.*
11. *Murli Versus Sub Inspector of Police, 2013(123) AIC 502.*

But those authorities do not find application to the present case due to different facts and circumstances and the context in which such observations have been made.

The petition being without merit stands dismissed accordingly.

(H.S.MADAAN)
JUDGE

4.7.2018

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No