IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) CRM-M-42503-2015(O&M)

Dr.Samriti Bansal

...Petitioner

Versus

State of Punjab and another

...Respondents

(2) CRM-M-1366-2016(O&M)

Dr.Neeraj Taneja

...Petitioner

Versus

State of Punjab and another

...Respondents

Date of Decision:-3.8.2018

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

Present: Mr.Bipin Ghai, Senior Advocate with
Mr.Puneet Sharma, Advocate
for the petitioner in CRM-M-42503-2015.

Mr.Gautam Dutt, Advocate
for the petitioner in CRM-M-1366-2016

Mr.Dhruv Dayal, Sr.DAG, Punjab.

Mr.Jasjit Singh, Advocate
for respondent No.2 in both petitions.

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H.S. MADAAN, J.

By this order, I shall dispose of two petitions i.e. CRM-M-42503-2015 filed by petitioner Dr. Samriti Bansal and CRM-M-1366-2016 filed by petitioner – Dr.Neeraj Taneja seeking quashing of FIR No.66 dated 23.4.2015 under Section 306 IPC, registered at Police Station City, Rupnagar and subsequent proceedings arising therefrom.

The FIR in this case was got registered by complainant Sh. Raj Kumar son of Sh.Girdhari Lal, resident of House No.59, Canal View Colony near Giani Zail Singh Nagar, Rupnagar by way of making statement to the police on 23.4.2015. *Inter alia* in his statement, the complainant stated that he had two children, elder being a daughter namely Meenal aged about 21 years and younger one a son aged about 18 years; that Meenal was studying in final year of BDS at Bahra Dental College and Hospital, Sohana, whereas son Maanav had been studying in LLB Ist year at Government College, Hoshiarpur; that Smt.Santosh Kumari wife of the complainant was posted as Superintendent at DC Office, Ropar; that on that day, the complainant along with his wife had proceeded to their respective jobs, whereas their son and daughter were at home; that at about 11:45 a.m., Smt.Santosh Kumari called on telephone to the complainant asking him to reach home immediately; that the complainant accordingly did so and observed that his wife, son and several other persons were standing in bedroom of his daughter, which included Harbans Singh Banwait son of Mansa Singh, resident of House No.61, Canal View Colony, Rupnagar and Gurcharan Singh Bindra son of

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Gurdit Singh, resident of House No.431, Giani Zail Singh Nagar, Rupnagar; that Meenal was lying on the bed; that Maanav informed the complainant that he and his sister were studying in their rooms; that after some time, he knocked at the door of his sister, which was bolted from inside but when there was no response then he looked inside the room through the glass window and observed that his sister was hanging with grill of window with scarf/chunni tied around her neck; that he cried and then a lot of people from neighbourhood gathered at the spot; that he broke the lock of the door and on going inside, he brought his sister down as she was hanging from grill.

She was removed to Sangha Hospital, Rupnagar, where doctor declared her brought dead, then the complainant took the dead body of his daughter back to home.

In his statement to the police, which formed basis for registration of the FIR at the later stage, the complainant had given a reason for his daughter Meenal committing suicide that Meenal was doing BDS from Rayat and Bahra Dentral College and Hospital and was studying in final year; that Lecturer of the college namely Smt.Bansal, who was to check practical assignments of Meenal was not checking the same and was rather threatening her that she would demote her by six months; that on coming to know about it, the complainant and his wife went to the college, where their daughter was studying and despite their repeated requests, Smt.Bansal had checked only half of the practical copy of Meenal, which she kept with her; that apart from that, the practical copy was got prepared from Meenal by Dr.Neeraj Taneja, which had been

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misplaced in the college itself and for that reason Dr.Neeraj Taneja forced Meenal to prepare the copy in one week, as a result of that Meenal started remaining in depression due to harassment meted out to her by Lecturer Smt.Bansal and Dr.Neeraj Taneja of her college and when she could not tolerate more harassment then she committed suicide. According to the complainant, they had found a suicide note from under the pillow, copy of which was handed over to Investigating Officer. The complainant sought taking of action against Smt.Bansal and Dr.Neeraj Taneja of Rayat and Bahra Dental College and Hospital, Sohana for causing harassment to his daughter and for abetting her suicide.

After registration of the FIR, the case was investigated. After completion of investigation and other formalities, challan against Smt.Bansal and Dr.Neeraj Taneja has been filed in the Court. Both these accused have approached this Court seeking quashing of the FIR and ancillary proceedings arising therefrom.

Notice of the petitions was issued to the respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record and I find that there is absolutely no merit in the petitions.

In the FIR lodged by father of deceased namely Raj Kumar, both the accused are specifically named and criminal acts attributed to them, which go to show that they had abetted suicide of deceased on account of their harsh conduct with her. If we see the suicide note left behind by the deceased, then we come to know that though she had not

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named both the petitioners in the said note but had mentioned that her college was responsible for her death and she could not bear that much torture done by her college. But from the investigation carried out by the investigating agency and statement of complainant, it comes out that it were both the petitioners, who had been behaving in a very unfair and improper manner with the deceased. Not only both the accused are named in the FIR but the allegations attributed to them go to point out abetment on their part to the suicide by Meenal. Therefore, it cannot be said that the FIR does not disclose commission of any cognizable offence. Even otherwise, the limited purpose of recording the FIR is to set the criminal machinery into motion. The FIR is usually registered in haste when the person lodging the FIR is mostly under tension and worry on account of commission of cognizable offence(s). The FIR may not contain the minute and precise details of the incident. The FIR can be got registered by a person, who may not be an eye-witness of the same. It is only during investigation of the case that police can come to know about the culprit and criminal, who had committed the crime.

The investigating agency as a result of investigation by collecting oral and documentary evidence by recording statements of several persons has found substance in the allegations and for that reason both the accused have been sent up to face trial. Their guilt shall be determined during the trial. This Court cannot possibly hold a mini trial so as to find out as to whether petitioners have committed any offence or not. It is certainly not a case of misuse of process of law by the complainant much less abuse of process of the Court. I do not see any reason to quash

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the FIR and ancillary proceedings. If on conclusion of trial, the prosecution is unable to prove its charge against the accused, then they would get a clean chit and if they are found to be guilty, they may be convicted and sentenced but allowing the petitions and quashing the FIR and ancillary proceedings at this stage would be highly unjustified and improbable.

Learned counsel for the petitioners have referred to various authorities in support of their contentions no abetment on the part of the petitioners is made out and FIR can be quashed even after filing of challan. Such authorities being ***Vaijnath Kondiba Khandke Versus State of Maharashtra and another, 2018(3) R.C.R.(Criminal)133, Gurcharan Singh Versus State of Punjab, 2017(1) R.C.R(Criminal) 118, S.S. Chheena Versus Vijay Kumar Mahajan & Another, 2010(4) R.C.R.(Criminal)66*** and ***Madan Mohan Singh Versus State of Gujarat & Anr., 2010(4) R.C.R.(Criminal) 207***.

However, I find that the observations in the authorities were made on the facts and circumstances of the case, whereas facts and circumstances of the instant case are quite different and even though in suitable cases, an FIR can be quashed after filing of challan even but there is no reason to do so in the present case.

Finding no merits, both the petitions stand dismissed.

3.8.2018 **(H.S.MADAAN)**
Brij **JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

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