

CRM-M-24582-2017

Date of decision: March 07, 2019

Navdeep Kaur and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vivek K. Thakur, Advocate
for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Devinder Singh, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN J. (Oral)

Prayer made in the petition is for quashing of FIR No.155 dated 20.10.2016 under Sections 306/34 IPC registered at Police Station Dasuya, District Hoshiarpur and subsequent proceedings arising therefrom including the order dated 20.5.2017.

As per the allegations in the FIR, recorded on the statement of respondent No.2-Kailash Kaur, it is alleged that her son Ramandeep Singh had committed suicide by consuming some poisonous substance on account of harassment caused by his wife Navdeep Kaur-petitioner No.1 and grand mother-in-law Surjit Kaur-petitioner No.2.

The police after registration of the FIR conducted a detailed enquiry and DSP, Dasuya on 30.1.2017 found that the petitioners are not at fault. The operative part of the report dated 30.1.2017 is reproduced as below:-

“The enquiry made during the investigation, statements recorded, case file was perused and from the open and

secret investigation, this fact came to light that against Ramandeep Singh, son of Kailash Kaur, complainant, a case FIR No.69 dated 3.9.2016 was registered under Section 379-B IPC at Police Station, Begowal, District Kapurthala and in the said case, the accused Ramanbdeep Singh was arrested on 4.9.2016. After registration of this case, Navdeep Kaur wife of Ramandeep Singh went to her parental house at village Khaleel, District Kapurthala. After registration of the case, Ramandeep Singh felt humiliated and after getting released on bail, he did not go to village Khaleel, District Kapurthala to bring Navdeep Kaur back and he committed suicide on 19.10.2016 by consuming some poisonous substance. That statements of Kailash Kaur, mother of Ramandeep Singh, his uncle Amarjit Singh, Member Panchayat, Gurjeetpal Singh, Member Panchayat, Village Kailey and respectable persons of village Khaleel, District Kapurthala, were recorded. During the enquiry, from the statements and from the statement of the complainant of the case, no role of Navdeep Kaur or any of her family member, has come to light in committing suicide by Ramandeep Singh. All the statements and the affidavit submitted by complainant of the case are annexed herewith.

During the investigation, from the statements recorded case file perused and from the open and secret investigation, this fact has come to light that the deceased Ramandeep Singh was not having any difference or quarrel with his wife or with his in-laws family. After registration of a theft case against the deceased, he felt humiliated and did not go to his in-laws' house and committed suicide by consuming some

poisonous substance. In this incident, there is no fault on part of anybody. Kailash Kaur, complainant who is mother of the deceased joined the investigation and she has submitted that the case has been registered hastily whose affidavit is attached herewith. From the aforesaid investigation and from the statements of witnesses, no truth has been found in case FIR No.155 dated 20.10.2016 under Sections 306,34 IPC, Police Station, Dasuya. Therefore, if approved, then the Station House Officer, Police Station Dasuya be directed to file cancellation report in the aforesaid case.

Report is submitted for appropriate orders.

Sd/-

Dy. Superintendent of Police
Sub Division, Dasuya
Dated : 30.1.2017”

Therefore, the police submitted a cancellation report before the trial Court. However, the trial Court/Ilaqa Magistrate, after giving a notice to respondent No.2, who appeared and stated that she has no objection if the cancellation report is accepted, directed the police to re-investigate the case. The petitioner has challenged this order dated 20.5.2017 on the ground that the cancellation report is prepared and it is found that the petitioner was not at fault in view of the fact that even the respondent No.2-complainant has also appeared before the Ilaqa Magistrate and made a statement that she has no objection if the cancellation report is accepted.

Learned counsel for respondent No.2, on instructions from the complainant, who is present in the Court, has stated at Bar that the

complainant has no objection if the present FIR as well as impugned order dated 20.5.2017 is quashed.

Learned State counsel, on instructions from the Investigating Officer ASI Satnam Singh has further stated that during the investigation, respondent No.2-complainant has even given an affidavit before the DSP, Dasuya that the case was registered in a haste and there is no fault on the part of anybody.

After hearing counsel for the parties, considering the fact that the complainant during investigation has submitted an affidavit that she has no objection against the petitioner and they are not at fault in the suicidal death of her son and also in view of the fact that the DSP, Dasuya in his detailed enquiry, after recording the statements of various persons, found that neither there was any dispute between petitioner No.1-Navdeep Kaur and deceased Ramandeep Singh nor any evidence regarding fight between them has come on record and submitted cancellation report. It is also not disputed that even before the Magistrate, the complainant has supported her version that she has no objection in the cancellation report is accepted. However, the Magistrate has redirected the police to further investigate the matter.

Learned State counsel, on instructions from ASI Satnam Singh has also admitted that there is no evidence on record to submit a challan against the petitioner.

In view of the submissions made by counsel for the parties,

FIR No.155 dated 20.10.2016 under Sections 306/34 IPC registered at Police Station Dasuya, District Hoshiarpur and subsequent proceedings arising therefrom and the order dated 20.5.2017 are quashed.

March 07, 2019
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No