IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.723 of 2017 (O&M)
Reserved on: 07.01.2019 **Decided on: 09.01.2019**

Balwinder Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. P.S. Ahluwalia, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Amandeep Saini, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J.

Prayer in this revision petition is for setting-aside the order dated 03.01.2017 passed by the trial Court vide which charges under Sections 306 and 506 of the Indian Penal Code (in short 'IPC') has been framed against the petitioners – Balwinder Singh, Surinder Kaur, the father-in-law and mother-in-law of one Amandeep Singh, who has allegedly committed suicide on 08.09.2015 by jumping in a canal, however, his dead body was never recovered.

Brief facts of the case are that FIR No.87 dated 10.09.2015 was registered under Sections 306, 506 read with Section 34 IPC against the petitioners and their daughter – Amanpreet Kaur, who was married with aforesaid Amandeep Singh (since deceased) in the year 2013. It is stated by the complainant – Ranjit Singh, the father of the deceased that he has 03 sons namely Gurdeep Singh, Tajinder Singh

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2019.01.09 16:25
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High Court, Chandigarh

and Amandeep Singh and 02 daughters, who all are married. Amandeep Singh was married to Amanpreet Kaur and a son namely Manveer Singh, was born out of this wedlock. On 07.09.2015, due to some ailment, the one year old Manveer Singh was admitted in a hospital and the complainant – Ranjit Singh along with his son Amandeep Singh and daughter-in-law Amanpreet Kaur were there in the hospital to look after the minor child and the petitioners were also present there. A dispute arose outside the hospital between the two families and Amandeep Singh regarding the character of Amanpreet Kaur. On 08.09.2015 at about 11:00 am, Amanpreet Kaur and petitioner No.1 came to the house of Amandeep Singh, who was residing separately in front of the house of the complainant and after abusing Amandeep Singh, he took away the valuables and clothes from the house along with Amanpreet Kaur, by extending threats to the complainant and his son. Thereafter, the son of the complainant left the house in a car bearing registration No.PB-65U-7907 by saying that he is going to his in-laws house and when the daughter of the complainant namely Jaswinder Kaur made a call from her mobile phone bearing No.89686-92991 on the mobile of Amandeep Singh i.e. 99142-24801, Amandeep Singh told her that he was upset because of his wife – Amanpreet Kaur and in-laws i.e. the petitioners. He has parked his car on a street near Pathrodi Jattan, Bhakhra Canal and he is going to finish his life by jumping in the canal. On receiving such information from his daughter, the complainant along with his other son – Tajinder Singh reached near the Bhakhra Canal and he found the abovesaid car parked on the street and his son's mobile phone bearing SIM No.75083-32240, was also lying on the roof of the car

MOHD YAKUB
2019.01.09 16:25
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along with a pair of sleepers. On the back seat of the car, a gift bag was lying, on which it was written ***"I love U Aman Best Wishes for ours next life. This is last gift for you by me. Muhha Putt love you."*** On being apprehensive that his son – Amandeep Singh, on account of the harassment caused by his wife – Amanpreet Kaur and in-laws/petitioners, may have committed suicide by jumping in a canal, the complainant got the aforesaid FIR registered.

Later on, when the police investigated the matter and on 08.09.2015, Inspector Dharampal, the then SHO, Police Station Singh Bhagwanpur along with co-officials reached on the street near Bhakhra Canal in the jurisdiction of village Pathar Majra on receiving an information that Amandeep Singh, son of Ranjit Singh has jumped in the Bhakhra Canal and his car is parked on the Bhakhra canal street. There, he met the complainant – Ranjit Singh along with his son – Tajinder Singh and he made a report No.24 dated 08.09.2015 on the basis of the information given by Ranjit Singh that his son – Amandeep Singh was married with Amanpreet Kaur and due to mutual differences between the husband and wife, their relations were not good and on that account, Amanpreet Kaur and her father – Balwinder Singh, on 08.09.2015 had taken the clothes and other belongings from their village Teor and thereafter, his son Amandeep Singh, in the aforesaid car came towards Ropar side and committed suicide. At the spot, a pair of sleeper and a wrapped gift was recovered from the car. It is further recorded in this DDR that Amandeep Singh's family members stated that at present, they do not want to give any statement in writing at the spot as Amandeep Singh had spoken to his mother on telephone and

MOHD YAKUB
2019.01.09 16:25
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High Court, Chandigarh

after discussing the same at home, they will make the statement. Thereafter, the car, mobile phone with SIM and the aforesaid gift bags were taken in possession by the police vide recovery memo and the same was deposited with the MHC of the Police Station. It was further stated in the DDR that as and when the family members of Amandeep Singh gave the statement, further proceedings will be carried out. Later on, on 10.09.2015, the complainant – Ranjit Singh got recorded the aforesaid statement on the basis of which, the FIR was registered.

The police on completion of investigation submitted the report under Section 173 Cr.P.C. and it is stated in the report that on opening the gift, it was found that the same was having 05 types of chocolates and the police during investigation obtained the call details of the deceased – Amandeep Singh, his sister – Jaswinder Kaur and mother – Gurmeet Kaur. Later on, the petitioners were arrested and were released on bail. Thereafter, a SIT was constituted to carry out further investigation but despite best efforts, no traces of Amandeep Singh could be found. On 02.04.2016, accused – Amanpreet Kaur @ Aman was also arrested and was released on regular bail. The hand-writing on the gift bag along with old writing of missing Amandeep Singh was sent to the Forensic Laboratory, in which the following opinion was given:-

> *"I have carefully and thoroughly examined the red enclosed questioned writings stamped and marked Q1 and have compared them with the relevant standard writings and signature from the original documents in all aspects of hand-writing identification and detection of forgery with the help of scientific aids and it has been concluded*

MOHD YAKUB
2019.01.09 16:25
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that: 1. The read enclosed questioned writings stamped and marked Q1 when compared with the red similarities. More suitable and sufficient admitted writings of Amandeep Singh in "English" already existing on some documents and near about the period of the questioned writings containing similar letters, words and combinations as are available in the questioned writings stamped and marked Q1 are required for thorough scientific examination and definite opinion. Examined by Sd/- Dr. Ashwani Kalia, Assistant Director, Documents Forensic Science Laboratory, Punjab, Phase-IV, S.A.S. Nagar."

Thereafter, the trial Court vide impugned order dated 03.01.2017 framed charges against the petitioners under Sections 306, 506 IPC read with Section 34 IPC and aggrieved against the said order, the petitioners have preferred this revision before this Court.

Counsel for the petitioners has submitted that there is no direct allegations of abetment against the petitioners, who are parents of Amanpreet Kaur, wife of deceased – Amandeep Singh (though the dead body of Amandeep Singh was never recovered). It is further stated that the marriage of the daughter of the petitioners with Amandeep Singh was solemnized in the year 2013 and one year prior to the incident, a son namely Manveer Singh was born out of this wedlock, who is now living in the custody of his mother and from 2013 till the date of incident, no complaint in any manner was made against the petitioners to any authority that they have caused any harassment to their son-in-law – Amandeep Singh. It is further submitted that in the FIR, the only evidence, which has come against the petitioners is that Amandeep Singh had a conversation on mobile phone with his sister – Jaswinder

MOHD YAKUB
2019.01.09 16:25
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Kaur, in which he informed her that he was upset with the behaviour of his wife as well as his parents-in-law and therefore, he is going to commit suicide and thus, counsel for the petitioners has submitted that the element of abetment qua the petitioners is missing from the bare perusal of the FIR.

Counsel for the petitioners has relied upon the judgment ***"S.S. Chheena vs Vijay Kumar Mahajan and another",*** **2010(4) RCR (Criminal) 66**, wherein the Hon'ble Supreme Court has held as under:-

> ***"20.*** *In our country, while suicide in itself is not an offence, considering that the successful offender is beyond the reach of law, attempt to suicide is an offence under Section 309 IPC.*
>
> ***21.*** *"Abetment" has been defined under Section 107 of the Code. We deem it appropriate to reproduce Section 107, which reads as under:*
>
> ***"107. Abetment of a thing.*** *-- A person abets the doing of a thing, who--*
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> *First.--Instigates any person to do that thing; or Secondly.--Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; orThirdly.--Intentionally aids, by any act or illegal omission, the doing of that thing."*
>
> *Explanation 2 which has been inserted along with Section 107 reads as under:*
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> *"Explanation 2.--Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act."*

MOHD YAKUB
2019.01.09 16:25
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High Court, Chandigarh

22. *The learned counsel for the appellant has placed reliance on a judgment of this Court in* ***Mahendra Singh v. State of M.P.*** ***1995 Supp (3) SCC 731****. In Mahendra Singh, the allegations levelled were as under: (SCC p. 731, para 1) "1. ... My mother-in-law and husband and sister-in- law (husband's elder brother's wife) harassed me. They beat me and abused me. My husband Mahendra wants to marry a second time. He has illicit connections with my sister-in-law. Because of these reasons and being harassed I want to die by burning."*

23. *The Court on the aforementioned allegations came to a definite conclusion that by no stretch the ingredients of abetment are attracted on the statement of the deceased. According to the appellant, the conviction of the appellant under Section 306 IPC merely on the basis of the aforementioned allegation of harassment of the deceased is unsustainable in law.*

24. *The learned counsel also placed reliance on another judgment of this Court in Ramesh Kumar v. State of Chhattisgarh (2001) 9 SCC 618. In this case, a three-Judge Bench of this Court had an occasion to deal with a case of a similar nature. In a dispute between the husband and wife, the appellant husband uttered "you are free to do whatever you wish and go wherever you like". Thereafter, the wife of the appellant Ramesh Kumar committed suicide. The Court in para 20 has examined different shades of the meaning of "instigation". Para 20 reads as under: (SCC p. 629) "20. Instigation is to goad, urge forward, provoke, incite or encourage to do `an act'. To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be*

MOHD YAKUB
2019.01.09 16:25
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High Court, Chandigarh

capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation."

25. *In this case, the court came to the conclusion that there is no evidence and material available on record wherefrom an inference of the appellant-accused having abetted commission of suicide by Seema may necessarily be drawn.*

26. In State of West Bengal v. Orilal Jaiswal (1994) 1 SCC 73*, this Court has cautioned that the court should be extremely careful in assessing the facts and circumstances of each case and the evidence adduced in the trial for the purpose of finding whether the cruelty meted out to the victim had in fact induced her to end the life by committing suicide. If it appears to the court that a victim committing suicide was hypersensitive to ordinary petulance, discord and differences in domestic life quite common to the society to which the victim belonged and such petulance, discord and differences were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty.*

27. *This Court in* ***Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi) (2009) 16 SCC 605*** *had an occasion to deal with this aspect of abetment. The Court dealt with the dictionary meaning of the words "instigation" and "goading". The Court opined that there*

MOHD YAKUB
2019.01.09 16:25
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High Court, Chandigarh

should be intention to provoke, incite or encourage the doing of an act by the latter. Each person's suicidability pattern is different from the other. Each person has his own idea of self-esteem and self-respect. Therefore, it is impossible to lay down any straitjacket formula in dealing with such cases. Each case has to be decided on the basis of its own facts and circumstances.

28. *Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by this Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide."*

Counsel for the petitioners has further argued that even from the suicide note, which was found on a gift, do not suggest that the deceased has levelled any allegations against the petitioners and rather, he had shown his affection towards his wife. Counsel for the petitioners has further submitted that it is own case of the complainant that the deceased and the daughter of the petitioners had a dispute as the deceased had a doubt on the character of his wife Amanpreet Kaur and even on 07.09.2015, when their son Manveer was admitted in a hospital, they had a dispute outside the hospital about the character of Amanpreet Kaur. Counsel for the petitioners has, thus, submitted that in the ordinary course, the petitioners being parents of Amanpreet Kaur

MOHD YAKUB
2019.01.09 16:25
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High Court, Chandigarh

had a moral responsibility towards their daughter whose minor son was illa nd her husband was raising a finger on her character and even if, on the face of it, the allegations in the FIR are taken to be correct that they have taken away their daughter from her matrimonial home, it will not amount to abetment in a manner that compelled the deceased to commit suicide, when he himself was having a doubt about the character of his wife/daughter of the petitioners.

Counsel for the petitioners has further relied upon the judgment ***"Bhagwan Das vs Kartar Singh and others",*** **2007(3) RCR (Criminal) 87**, wherein the Hon'ble Supreme Court has held as under:-

> ***"15.*** *In our opinion the view taken by the High Court is correct. It often happens that there are disputes and discords in the matrimonial home and a wife is often harassed by the husband or her in-laws. This, however, in our opinion would not by itself and without something more attract Section 306 IPC read with Section 107 IPC.*
>
> ***16.*** *However, in our opinion mere harassment of wife by husband due to differences per se does not attract Section 306 read with Section 107 IPC, if the wife commits suicide. Hence, we agree with the view taken by the High Court. We, however, make it clear that if the suicide was due to demand of dowry soon before her death then Section 304B IPC may be attracted, whether it is a case of homicide or suicide. Vide Kans Raj vs. State of Punjab & Ors. 2000(5) SCC 207,* ***Satvir Singh & Ors. vs. State of Punjab & Anr. 2001(8) SCC 633, Smt. Shanti & Anr. vs. State of Haryana AIR 1991 SC 1261****.*
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> ***17.*** *In the present case, since no charge under Section 304B has been framed, obviously the accused cannot be convicted under that provision.*

MOHD YAKUB
2019.01.09 16:25
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High Court, Chandigarh

> ***18.*** *In view of the above, there is no force in the appeal and hence it is dismissed. We, however, make it clear that we are not approving or justifying harassment of wives by their husbands or in-laws, but are only clarifying the law in the peculiar facts of this case as it stands today. Whether the law should be amended is for the legislature to decide. Appeal dismissed."*

Counsel for the petitioners has further argued that a perusal of the DDR No.24 dated 08.09.2015, which is part of the report submitted under Section 173 Cr.P.C., show that the complainant – Ranjit Singh, did not record his statement in writing on the date of the incident and rather, he stated that since Amandeep Singh had spoken to his mother on phone, therefore, he will discuss the same at home and then, he will give his statement and he gave a statement, after 02 days and the petitioners are involved on account of the matrimonial dispute between the husband and wife as they are the in-laws of Amandeep Singh. Counsel for the petitioners has further submitted that in the first version given in the DDR No.24, show that Amandeep Singh had lastly spoken to his mother on phone but in the FIR, it is stated that it is the daughter of the complainant, who had made a call to Amandeep Singh and it has come from her mouth that Amandeep Singh told her that being upset from the behaviour of his wife – Amanpreet Kaur and in-laws i.e. the petitioners, he is going to finish his life by jumping in the canal. It is further submitted that there is no explanation of delay of 02 days and the improvements are made in the first version given in the DDR where the one witness was substituted by another witness. Counsel for the petitioners has further argued that from the bare perusal

MOHD YAKUB
2019.01.09 16:25
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High Court, Chandigarh

of the suicide note, the ingredients of abetment are not made out.

Counsel for the petitioners has also relied upon the judgment ***"Madan Mohan Singh vs State of Gujarat and another",*** **2010(4) RCR (Criminal) 207**, wherein the Hon'ble Supreme Court has held as under:-

> ***"10.*** *As regards the suicide note, which is a document of about 15 pages, all that we can say is that it is an anguish expressed by the driver who felt that his boss (the accused) had wronged him. The suicide note and the FIR do not impress us at all. They cannot be depicted as expressing anything intentional on the part of the accused that the deceased might commit suicide. If the prosecutions are allowed to continue on such basis, it will be difficult for every superior officer even to work.*
>
> ***11.*** *It was tried to be contended by the learned counsel appearing on behalf of the complainant that at this stage, we should not go into the merits of the FIR or the said suicide note. It is trite law now that where there is some material alleged in the FIR, then such FIR and the ensuing proceedings should not be quashed under Section 482 Cr.P.C. It is for this reason that we very closely examined the FIR to see whether it amounts to a proper complaint for the offence under Sections 306 and 294(b) IPC. Insofar as Section 294(b) IPC is concerned, we could not find a single word in the FIR or even in the so-called suicide note. Insofar as Section 306 IPC is concerned, even at the cost of repetition, we may say that merely because a person had a grudge against his superior officer and committed suicide on account of that grudge, even honestly feeling that he was wronged, it would still not be a proper allegation for basing the charge under Section 306 IPC. It will still fall short of a proper allegation. It would have to be*

MOHD YAKUB
2019.01.09 16:25
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High Court, Chandigarh

objectively seen whether the allegations made could reasonably be viewed as proper allegations against the appellant/accused to the effect that he had intended or engineered the suicide of the concerned person by his acts, words etc. When we put the present FIR on this test, it falls short. We have already explained that the baseless and irrelevant allegations could not be used as a basis for prosecution for a serious offence under Section 306 IPC. Similarly, we have already considered Section 294 (b) IPC also. We have not been able to find anything. Under such circumstances, where the FIR itself does not have any material or is not capable of being viewed as having material for offence under Sections 306 and 294(b) IPC, as per the law laid down by this Court in ***State of Haryana & Ors. Vs. Bhajan Lal & Ors. [1992 Suppl. 1 SCC 335]****, it would be only proper to quash the FIR and the further proceedings.*

12. *For all these reasons, we are of the clear opinion that the High Court erred in not quashing the proceedings. Allowing this appeal, we set aside the order of the High Court and allowing the petition under Section 482 Cr.P.C. filed by the appellant/accused, the questioned proceedings are quashed.****"***

Counsel for the petitioners has further argued that there is nothing on record to show that the petitioners have ever abetted the deceased to commit suicide and there is nothing on record to show that anything done by the petitioners can be termed as an abetment, which led the deceased to commit suicide.

Counsel for the petitioners has also relied upon the judgment ***"Amalendu Pal @ Jhantu vs State of West Bengal",*** **2010(1) SCC 707**, wherein the Hon'ble Supreme Court has held as under:-

MOHD YAKUB
2019.01.09 16:25
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High Court, Chandigarh

*"**12.** Thus, this Court has consistently taken the view that before holding an accused guilty of an offence under Section 306 IPC, the Court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether the cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without their being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable.*

13. *In order to bring a case within the purview of Section 306 of IPC there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306 IPC.*

14. *The expression 'abetment' has been defined under Section 107 IPC which we have already extracted above. A person is said to abet the commission of suicide when a person instigates any person to do that thing as stated in clause firstly or to do anything as stated in clauses secondly or thirdly of Section 107 IPC. Section 109 IPC provides that if the act abetted is committed pursuant to and in consequence of abetment then the offender is to be punished with the punishment provided*

MOHD YAKUB
2019.01.09 16:25
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High Court, Chandigarh

for the original offence. Learned counsel for the respondent-State, however, clearly stated before us that it would be a case where clause `thirdly' of Section 107 IPC only would be attracted. According to him, a case of abetment of suicide is made out as provided for under Section 107 IPC.

15. *In view of the aforesaid situation and position, we have examined the provision of clause thirdly which provides that a person would be held to have abetted the doing of a thing when he intentionally does or omits to do anything in order to aid the commission of that thing. The Act further gives an idea as to who would be intentionally aiding by any act of doing of that thing when in Explanation 2 it is provided as follows:*

"Explanation 2.- Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitate the commission thereof, is said to aid the doing of that act."

16. *Therefore, the issue that arises for our consideration is whether any of the aforesaid clauses namely firstly alongwith explanation 1 or more particularly thirdly with Explanation 2 to Section 107 is attracted in the facts and circumstances of the present case so as to bring the present case within the purview of Section 306 IPC.”*

Counsel for the petitioners has, lastly, argued that the petitioners have been falsely implicated on account of the fact that after the death of the son of the complainant, their daughter – Amanpreet Kaur and minor son Manveer, may not claim any share in the property and in a calculated move, after 02 days of the incident, the petitioners have been named in the FIR to put pressure on them.

MOHD YAKUB
2019.01.09 16:25
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During the arguments, on a pointed query raised by Court, counsel for the State, on instructions from the Investigating Officer as well as the counsel for the complainant have not disputed that Manveer, minor grandson of the complainant, after the incident, is living in the care and custody of his mother who is living with the petitioners and being the maternal grand parents, they are taking care of him.

In reply, counsel for the State, on instructions from the Investigating Officer and assisted by counsel for the complainant has, however, opposed the prayer of the petitioners. It is submitted on behalf of the petitioners that Amandeep Singh committed suicide on account of the behaviour of his wife – Amanpreet Kaur and her parents, who are the in-laws of the deceased – Amandeep Singh. It is further submitted that the fact that there was a dispute on 07.09.2015 outside the hospital regarding the character of the daughter of the petitioners followed by their action of taking her back along with clothes and other belongings abetted Amandeep Singh to commit suicide. It is further stated that as per the last call made to his sister, the deceased has stated that he is taking this extreme step of committing suicide on account of the behaviour of his wife – Amanpreet Kaur.

Counsel for the respondent/complainant has relied upon the judgment ***"State of Rajasthan vs Fatehkaran Mehdu",*** **2017(2) RCR (Criminal) 1**, wherein the Hon'ble Supreme Court has laid down guidelines/tests for the scope of revision by the Revisional Court which vest with power to call for and examine the record of the inferior Court for the purpose of satisfying itself as to the legality and irregularity of any proceeding or an illegal order made in a given case. It is also held

MOHD YAKUB
2019.01.09 16:25
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High Court, Chandigarh

that the object of this provision is to set right a patent defect or error of jurisdiction or law or the perversity which has crept in the proceeding. It is further held by the Hon'ble Supreme Court that at the stage of framing of charge, the Court should not form an opinion that the accused is certainly guilty of committing an offence as the Court is not concerned with the proof of the allegations rather it has to focus on the material on record and form an opinion whether there is a strong suspicion that the accused has committed the offence, which if put to trial could prove the guilt of the accused.

After hearing counsel for the parties, this petition deserves to be allowed, for the following reasons:-

(a) A bare perusal of the FIR show that from the date of marriage of the deceased – Amandeep Singh (whose dead body was never recovered) with Amanpreet Kaur till registration of the FIR, there are no direct allegations of maltreatment or harassment against the present petitioners, who are the father-in-law and mother-in-law of the deceased and it came first time while registering the FIR.

(b) In the first version given to the police vide DDR No.24 dated 08.09.2015 i.e. immediately after the incident, the complainant/father of the deceased – Amandeep Singh did not raise any suspicion against the petitioners and it is only after 02 days, he has given the complaint based on the information given by his daughter that Amandeep Singh on her mobile phone informed that he is committing suicide on account of the behaviour of his wife – Amanpreet Kaur and his in-laws/the petitioners, therefore again, there is no direct allegations against the petitioners.

(c) From the bare perusal of the FIR, nothing is

MOHD YAKUB
2019.01.09 16:25
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High Court, Chandigarh

made out that the petitioners have acted in a manner, which abetted the deceased to commit suicide. The alleged suicide note only reflect that the deceased – Amandeep Singh had shown his love towards his wife by saying that this is the last gift for you and in the suicide note, he has not pointed out any harassment, threat, etc., even against his own wife – Amanpreet Kaur.

(d) It is own case of the complainant that Amandeep Singh suspected the character of his wife – Amanpreet Kaur and a dispute, occurred on 07.09.2015, outside the hospital where the minor son Manveer was admitted, due to the character assassination of the daughter of the petitioners, therefore, it was normal for the petitioners, being the parents of Amanpreet Kaur, to take care of her (i.e. Amanpreet Kaur) having a moral responsibility towards their daughter especially when her minor son was admitted in the hospital, a day prior to the incident. Hence, by taking their daughter from matrimonial home on 08.09.2015, they never abetted their son-in-law to commit suicide.

(e) It is admitted by counsel for the State, on instructions from the Investigating Officer as well as counsel for the complainant that the minor son Manveer is living in the care and custody of his mother – Amanpreet Kaur and as per the version of the petitioners, they are taking care of the minor child and the complainant is not providing any monetary help for the minor child and being the grandfather, the complainant do not want to part away anything movable or immovable in favour of his grandson and, therefore, implicating the petitioners in the present FIR after 02 days of incident raises a suspicion for their false implication.

(f) In view of the well settled principle of law as held by the Hon'ble Supreme Court in <u>S.S. Chheena's</u>

MOHD YAKUB
2019.01.09 16:25
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case (supra), Bhagwan Das's case (supra), Madan Mohan Singh's case (supra) and Amalendu Pal @ Jhantu's case (supra) and from the bare perusal of the FIR, nothing suggest that the petitioners ever abetted the deceased – Amandeep Singh to commit suicide. There is nothing on record to show that anything was done by the petitioners from which an inference can be drawn that they have abetted the deceased – Amandeep Singh to commit suicide, therefore, I hold that there is nothing on record to show that by way of willful conduct of the petitioners, the deceased – Amandeep Singh was compelled to commit suicide. The allegations in the FIR as well as the material collected during the investigation, even if taken to be correct, do not prima facie constitute the offence punishable under Sections 306 read with Section 34 IPC as no material has come on record to support the allegations/charge against the petitioners.

In view of what has been discussed hereinbefore, the present revision petition is allowed and the impugned order dated 03.01.2017 framing charge against the petitioners, is set-aside and they are acquitted of the charges framed against them.

(ARVIND SINGH SANGWAN)
JUDGE

09.01.2019
yakub

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No

MOHD YAKUB
2019.01.09 16:25
I attest to the accuracy and
authenticity of this document
High Court, Chandigarh