

116.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-9860-2018 (O&M)

Date of decision:20.03.2019.

HARISH DAHIYA @ HARISH AND ANR

... Petitioners

versus

STATE OF PUNJAB AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

HARI PAL VERMA, J.(Oral)

Petitioners have filed the present revision petition impugning the order dated 26.10.2018 passed by learned Additional Sessions Judge, Hoshiarpur, whereby the charges have been framed against the petitioners and other co-accused. This Court finds that earlier also, the petitioners had approached this Court by way of CRM-M-3912-2017 titled as “Harish Dahiya @ Harish and another Versus State of Punjab and others” seeking quashing of FIR No.138 dated 14.09.2016 registered under Sections 306/34 of IPC at Police Station Dasuya, District Hoshiarpur, and this Court, vide order dated 04.07.2018, had dismissed the said petition with the following observations:-

“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.”

Once this Court has already observed that the petitioners have been named in the suicide note left by Sukhwinder Kaur and the petitioners were required to face trial, no ground for interference is made out.

Dismissed.

(HARI PAL VERMA)
JUDGE

20.03.2019
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