

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

CRR-2789-2019 (O&M)

DATE OF DECISION:-30.01.2020

PARAMJIT KAUR AND ANR.

...PETITIONERS..

V.

STATE OF PUNJAB

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Jasjit Singh, Advocate,
for the petitioners.

RAMENDRA JAIN, J. (ORAL)

CRM-32956-2019

For the reasons mentioned in the application, delay of 18 days
in filing the revision is condoned.

CRM stands disposed of.

CRM-32959, 38252 and 40150-2019

Applications are allowed as prayed for. Documents are taken
on record. Be tagged at appropriate place.

CRMs stand disposed of.

CRR-2789-2019

Through this petition, petitioners have assailed order dated

06.07.2019 of the trial court, whereby, they upon the application of the prosecution/complainant have been ordered to be summoned as additional accused under Section 319 Cr.P.C.

Briefly, husband of petitioner No.1 and that of the complainant were real brothers. There was constant dispute about division of property left by their deceased father. As per FIR, on 04.11.2016, some altercation took place in between the family members. According to the complainant, the petitioners were trying to forcibly raise a wall in the undivided share to which she resisted. Petitioner No.1 brought sulphas tablets and threw it towards Ravinder Singh, who further threw the same towards the husband of the complainant. Husband of the complainant, in anger, consumed those tablets and committed suicide.

On these broad allegations, FIR No.146 dated 04.11.2016 was registered against five persons including the petitioners. During investigation, petitioners were found innocent. Therefore, they were placed in column No.2 in final report under Section 173(2) Cr.P.C. Remaining co-accused were charge-sheeted.

Thereafter, the complainant appeared as PW-1 and again named the petitioners responsible for suicidal death of her husband. Pursuant thereto, prosecution moved an application under Section 319 Cr.P.C. to summon the petitioners as additional accused, which was allowed vide order impugned herein.

Learned counsel contends that at the time of incident, complainant was not present, because she had left the place to call the respectable of the village. In fact, son of the complainant, being in school, was also not present. The petitioners were falsely named in the FIR and thereafter, by the complainant as PW-1.

Having given thoughtful consideration to the submissions made by learned counsel and gone through the impugned order, this Court finds the instant revision merit dismissal for the reasons to follow:-

The complainant as PW-1 has specifically testified that the petitioners compelled her husband to commit suicide. They were not giving him due share in the property. They instigated her husband to take poison. On the date of occurrence, they started digging earth from a passage of the complainant to raise construction. They did not even budge to their request for not doing so. Finally, altercation took place and husband of the complainant committed suicide.

The above statement of the complainant cannot be taken lightly in view of the suicidal death of her husband. There is no denial of the fact that there was constant dispute regarding division of property in between the petitioners's side and complainant's side.

This Court, being a revisional court, has a very limited jurisdiction, which can only be exercised on following infirmities:- (i) if the court below has exceeded its jurisdiction; (ii) has exercised its

jurisdiction illegally and; (iii) has not exercised its jurisdiction diligently.

Learned counsel for the petitioners has not been able to point out any of such infirmities in the judgment of court below.

I have gone through impugned judgment. It is a well reasoned, being based on appreciation of evidence and thus, does not require any interference.

Any observations made in this order shall have no bearing on the merits of the case.

Dismissed.

30.01.2020

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:

Yes/No

whether reportable:

Yes/No