IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-728 of 2021
Date of decision:08.01.2021

Vikas ... Petitioner

Vs.

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Sandeep Kumar, Advocate
for the petitioner.

SUVIR SEHGAL J.

The hearing of this petition has been taken up through video conferencing on account of outbreak of corona virus (Covid-19) pandemic.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.794 dated 02.12.2020 registered under Sections 306, 34 of Indian Penal Code, 1860 at Police Station Sonipat City, District Sonipat (Annexure P-1) and all subsequent proceedings arising therefrom qua the petitioner.

Shorn of unnecessary details, the facts relevant for the disposal of this petition are that the impugned FIR was registered against the petitioner on the basis of complaint of Surinder with the allegation that his nephew, Manoj, has committed suicide by hanging on account of the fact that the petitioner had levelled false allegation against him that he had eloped with his daughter.

Counsel for the petitioner has argued that the impugned FIR is

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a counter blast to FIR No.549 dated 29.11.2020 lodged under Sections 363, 366-A IPC at Police Station Sonipat Sadar, District Sonipat (Annexure P-2) whereby the petitioner had alleged that he suspected that the deceased Manoj has kidnapped his daughter and enticed her into marrying him. Counsel urges that from the perusal of the FIR it is clear that there is no element of instigation or abetment and therefore, ingredients of the offence under Section 306 IPC are completely missing.

Notice of Motion.

On asking of the court, Mr. Rajiv Sidhu Deputy Advocate General, Haryana accepts notice on behalf of the respondents-Sate. Advance copy of the petition has been served upon him.

Mr. Sidhu has opposed the petition and argued on the basis of the instructions received from ASI Kartar Singh. He submits that a cancellation report has been submitted after investigation of FIR, Annexure P-2 on the basis of the statement of the daughter of the petitioner to the effect that she had gone with the deceased of her own volition. State counsel has referred to the suicide note left behind by the deceased, which is taken on record, wherein the petitioner has been named.

I have considered the submissions of the parties.

A perusal of the signed handwritten suicide note shows that the deceased has stated that he is committing suicide as the petitioner has levelled false allegation against him in the FIR and that the petitioner is conspiring to forcibly take possession of his house. Though the authenticity and veracity of the suicide note is yet to be determined, but at this stage, it is

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not possible to say that offence under Section 306, IPC is not made out.

The material collected by the investigating agency and examination of the allegations levelled in the FIR disclose commission of a cognizable offence. Such an FIR cannot be quashed in exercise of power under Section 482 of the Code of Criminal Procedure.

The instant petition being devoid of any merit is ordered to be dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

January 08, 2021
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Whether Speaking/Reasoned Yes/No

Whether Reportable Yes/No

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