

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

109

CRR-315-2022

Date of Decision : **May 17, 2022**

SHANTI DEVI

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Randeep Singh, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition is a revision filed by one Shanti Devi, who is the mother-in-law of the deceased-husband seeking setting aside of charge-sheet dated 29.10.2021 whereby the charges have been framed against the petitioner and the other co-accused under Section 306 read with Section 34 IPC.

As per the allegations contained in the FIR which was lodged by the brother of the deceased by stating that they are three brothers and his one brother, namely, Vikas was married to Babita Rani daughter of Mulak Raj and they are also having one aged 8 years. After some time of marriage, his brother and his wife used to quarrel with each other and the disputes were got resolved in Panchayat with their mutual consent. Rakesh Kumar son of Mulak Raj, brother-in-law of his brother, Surjit Kumar son of Mulak Raj and mother-in-law Shanti Devi (petitioner) used to harass his brother and the wife of the deceased used to put pressure on his brother to vacate the house on asking of her

brothers and mother. On 4.6.2019, Babita gave push to his brother who dashed against mirror and sustained serious injuries and who was rushed to Civil Hospital, Bathinda on 5.6.2019 for treatment. On 5.6.2019 in the morning at about 6.00 o'clock Babita without any information went to her parental house at Kurukshetra. On 9.6.2019, Rakesh Kumar, brother-in-law of deceased made a call from his mobile at about 8.13 a.m., and gave threats to deceased. Because of this reason, his brother being fed up with his brother-in-law Rakesh Kumar, Surjit Kumar, mother-in-law Shanti Devi (petitioner) ended his life by hanging from ceiling fan by putting rope in his neck. It has been specifically stated in the FIR that the wife of the deceased, namely, Babita, his brother-in-law and his mother-in-law usually used to say to his brother **to die somewhere instead** of indulging in quarrel and leave them alone otherwise they would register a case regarding demand of dowry and it was because of this fear and pressure that his brother ended his life.

The learned counsel for the petitioner has submitted that after the completion of the investigation, challan was presented against four persons including the petitioner and now the charges have been framed by the learned trial Court vide impugned order dated 29.10.2021. He submitted that the petitioner is a lady and no role has been attributed to the petitioner and there is no direct evidence pertaining to the present offence qua the petitioner. He further submitted that there was no suicide note and now the charges have been framed against the petitioner and the other co-accused and the petitioner will have to face the prosecution without her fault. He also relied upon the judgment of the Hon'ble

Supreme Court in **Rajesh Vs. State of Haryana, 2019(1) R.C.R. (Criminal) 847** to contend that there has to be some allegations of positive action proximate to time of occurrence on the part of the accused which compelled the person to commit suicide.

On the other hand, Mr. Naveen Singh Panwar, DAG, Haryana has submitted that firstly the scope of revisional jurisdiction is limited and there is no illegality or perversity in the order pertaining to framing charges by the learned trial Court and secondly a perusal of the impugned order would show that the petitioner has been exempted from personal appearance till further orders by the learned trial Court itself and, therefore, he has prayed for the dismissal of the present petition.

I have heard the learned counsel for the petitioner.

As per the allegations contained in the FIR it has been alleged that deceased Vikas has committed suicide when there were direct allegations not only against the petitioner but the other co-accused as well wherein as per the allegations the accused including the petitioner used to say to the deceased to die some where instead of indulging in quarrels and leave them alone. Now the challan has been presented and thereafter the charges have been framed against the four accused including the petitioner. The argument raised by the learned counsel for the petitioner that no role is attributable to the petitioner because there was no positive action proximate to the time of occurrence whereas in the FIR it has been so stated that the petitioner and the other co-accused used to quarrel with the deceased and also used to say that he should die instead of indulging in quarrels. Therefore, this Court is of the view that prima facie it cannot

be presumed that there is no role attributable to the petitioner. The involvement of the petitioner in the present offence would be seen only at the time of trial when the evidence is led by the parties and, therefore, charges against the petitioner cannot be quashed at the threshold because the questions are to be determined while adducing the evidence. The judgment relied upon by the learned counsel for the petitioner would not be applicable in the present case in view of the fact that in that case the trial had already been completed which resulted in conviction. Thereafter the appeal was filed before the High Court which was also dismissed and these judgments were assailed before the Hon'ble Supreme Court. However, in the present case the matter is still at the prosecution evidence stage and according to the learned State counsel no witness has been examined till date.

The scope of the revision is always restricted. There is nothing to show on the face of it that continuation of prosecution would amount to abuse of the process of law in view of the allegations made against the petitioner. This Court does not find any illegality or perversity in the impugned order passed by the learned trial Court.

Consequently, finding no merit in the present petition, the same is, hereby, dismissed.

Since the main case has been dismissed, all the miscellaneous applications shall stand disposed of accordingly.

(JASGURPREET SINGH PURI)
JUDGE

May 17, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No