

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

**Reserved on 18th of October, 2022
Pronounced on 29th October, 2022**

CRM-M No.43017 of 2014

Smt. Neelam

....Petitioner

Versus

Kitab Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. R.K. Bagga, Advocate
for the petitioner.

Mr. Arihant Jain, Advocate
for respondents No.1, 2 and 4.

PANKAJ JAIN, J. (ORAL)

This is a Revision Petition filed by widow-Neelam who has accused her father-in-law Kitab Singh and other relatives of having murdered her husband Sunil. Complaint was filed against the respondents for offences punishable under Section 302/201/120-B, 34 IPC. At the stage of summoning, the Trial Court found that :

“4. After hearing the arguments advanced by Id. Counsel for the complainant, it is observed by this Court that the present complaint, is apparently a counter blast of the case registered against the complainant under Section 306/34 IPC, which was registered against her for abetment of suicide to her husband. Admittedly, her husband was mentally upset, but she failed to

produce any medical record to this effect. The intention of the complainant seems to pressurize the accused to not to give evidence against her in the case pending against her and her family members. The complainant has levelled serious allegations against the accused that they gave beating and murdered her husband, despite finding, the injuries on the person of Sunil Kumar neither she nor her parents pressurized the accused to get his postmortem conducted. Merely saying that they told them to get the postmortem conducted is not suffice to say that they protested against the cremation of Sunil Kumar without getting the postmortem conducted. Further, the Hon'ble High Court ordered the complainant to approach the Illaqua Magistrate under relevant provision on 2.9.2008. However, she kept sleeping over her right up till 14.3.2009. The explanation has been offered by her that she came to know about the order of the Hon'ble High Court only on 5.3.2009, does not seem plausible. If she would have interested in proceeding against the accused, then she must have been apprised about the order of the Hon'ble High Court.

5. So far as, the expert evidence is concerned. This Court wants to mention that the handwriting Science is not a perfect science and experts-tend to depose in favour of the parties, which call them.

6. Summoning in a criminal case is a serious matter and no one can be summoned to face criminal action in a routine manner. The complainant has relied upon the authorities Sushil Suri Versus C.B.I. 2011 RCR 356 (SC), Shivjeet Singh Versus Nagendra Tiwari and others 2010 (2) C.C.J. 93 (SC), Inspector of Police, Tamil Nadu Versus John David 2011 RCR 273 (SC). But, the same are not applicable to the facts and circumstances of the present case. No doubt the Magistrate is bound to issue process if there is a prima facie evidence against the accused, but in the present case clearly it is a counter blast to the criminal action pending against the complainant and her

family members, thus the allegations do not inspire confidence.

7. In view of the above said discussions, this Court is of the firm opinion that neither the offence under Section 302 IPC nor under Section 201 IPC is made out against the accused persons. Therefore, the present complaint stands dismissed.”

2. The Revisional Court concurred with the order passed by the Trial Court dismissing the complaint filed by the petitioner holding that the complaint is apparently a counter-blast of the case registered against the petitioner for offence punishable under Section 306 read with Section 34 IPC for abetment to suicide of her husband.

3. Apart from this, it will also be apt to notice herein that in the connected CRM-A No.768-MA of 2016 arising out the complaint case wherein the present petitioner was accused of having abetted suicide of deceased Sunil Kumar, this Court after referring to the suicide note left by Sunil Kumar has held that it was Sunil Kumar only who has taken his life and the petitioner stands acquitted in the said case.

4. Ld. Counsel for the petitioner has not been able to point out any circumstance to make out a case to exercise jurisdiction under Section 482 Cr.P.C. He has not been able to show any evidence that could constitute *prima facie* case against the respondents for summoning them for offence punishable under Section 302/34 IPC.

5. Consequently, the present petition is dismissed being without any merit.

October 29, 2022

Dpr

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No