

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

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**CRM-M-43600-2017
Date of decision: 09.08.2022**

PARAMJEET KAUR

.....Petitioner

VERSUS

STATE OF PUNJAB AND ORS.

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Anil Gupta, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition had been filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr. P.C.”) for issuance of directions to the officials respondents to take appropriate action on the representation/application submitted by the petitioners appended alongwith the petition as Annexure P-3 to P-5.

2. Learned counsel appearing on behalf of the petitioner contends that the brother of the petitioner had performed marriage with one Parvinder Kaur and they were blessed with a son. The relationship between the husband and wife however was not cordial as a result whereof she developed illicit relationship with one Gurmej Singh resident of village Pozo Teshil & District Ferozepur. The brother of the petitioner came to know about the said relationship and had objections to the same. However, the wife of his brother was emboldened and starting meeting her paramour in the house and in the presence of his

brother. Allegations were leveled that at about 9:00 P.M. on the night of 05.10.2017, a phone call was received by the petitioner from his brother to the effect that he had been administered some poisonous substance. He was accordingly taken to the hospital but expired on the same day at 10:30 P.M. Application was thereafter submitted by the petitioner against the accused persons for taking action. The Investigating Agency, however, did an eye wash inquest proceeding under Section 174 Cr.P.C. and closed the case. Subsequent application was also submitted by the petitioner to the Senior Officials, however, the same has not yielded any result. Consequently, the present petition was filed.

3. Pursuant to the notice of motion issued, reply by way of affidavit dated 01.08.2019 of Gurdeep Singh, PPS, Deputy Superintendent of Police, City, Ferozepur had been filed on behalf of respondents No.1 to 4. The relevant extract thereof reads as under:

“It is worth mentioning here that on dated 6.10.2017, Parminder Kaur wife of Dharminder Singh @ Bhinda recorded her statement before the police wherein she has specifically stated that her husband namely Dharminder Singh has consumed some poisonous substances and he has died. She has further stated that the said poisonous substances has been consumed by her husband Dharminder Singh on his own. Then the proceedings under section 174 Cr.P.C was initiated and the post mortem of Dharminder Singh was got conducted from Guru Gobind Singh Medical College and the Viscera report was sent to Chemical Examiner, Kharar. Thereafter on 22.1.2019, the police had taken the opinion from the doctor of Guru Gobind Singh Medical College & Hospital, Faridkot and the doctor gave opinion on the

basis of post mortem report No. NG/FM/PMR/87/2017 dated 7.10.2017 and Histopathological Examination report vide Patn no. /2018/129 dated 6.2.2018 and opined that "The cause of death I this case in my opinion is due to aluminum phosphide insecticide poisoning. However Ethyl alcohol also detected in the exhibits II, III and IV".

It is submitted that the Investigating Officer Balwant Singh also investigated the matter and also recorded the statement of Parminder Kaur, Harmanpreet Singh son of late Dharminder Singh, Gurpreet singh @ Saba, Parveen Kumar wife of Gurpreet Singh @ Saba. During the enquiry, the allegations leveled by the petitioner was found to be false.

On the other hand, the enquiry on the application No. 5414-PC dated 16.10.2017, application No. 801-PC-DC dated 23.11.2017, application No. 1006-C.P.F dated 28.10.2017, application No. 305-B.Z.P.C dated 28.10.2017, application No. 3510 Special P.C dated 10.11.2017 and application No. 208.H.R.C-1 dated 23.12.2017 was enquired by the Deputy Superintendent of Police (City, Ferozepur and during the enquiry, the petitioner only appeared before the then Deputy Superintendent of Police (City) Ferozepur namely Sh. Vibhor Sharma, and she did not produce any other sufficient proof regarding her allegation and after conducting proper enquiry, the applications of the petitioner were found to be false."

4. Even the aforesaid reply was filed way back in the year 2019, however, no response/counter to the same has been filed by the petitioner. The matter has already been enquired into and the application/representation submitted by the petitioner were found to be unsubstantiated and false. The same were already consigned.

5. In view of the above, insofar as the grievance of the

petitioner seeking directions to the official respondents to look into the representation is concerned, the same stands examined and concluded. No further direction is required to be issued in the present case. The same is thus dismissed as having been rendered infructuous, liberty is however, granted to the petitioner to take recourse to the alternative remedies available to him in accordance with law.

Dismissed as having been rendered infructuous with liberty as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 09, 2022

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No