

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

CRM-A-1830-2019

Date of Decision: February 03, 2023

Ranjit Singh

...Petitioner

Versus

Ravneet Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. A.P.S. Deol, Senior Advocate with
Mr. Vishal Rattan Lamba, Advocate,
for the appellant.

SUDHIR MITTAL, J.

A complaint case was filed under Section 306, 120-B & 34 IPC against the accused on account of death of Kamaljit Singh son of the complainant. Said Kamaljit Singh was married with accused Ravneet Kaur. The other accused were her father and relatives. The complaint was dismissed vide judgment dated 29.04.2019. Thus, the present appeal against acquittal has been filed.

2. Out of the wedlock of Kamaljit Singh and Ravneet Kaur, a male child namely Sidakpreet Singh was born who was about 02 years and 04 months old at the time of his death. On 29.08.2023, Kamaljit Singh administered a poisonous substance to him and then consumed it himself. Both died resulting in registration of FIR No.82, dated 29.08.2013, under Section 306 IPC at Police Station Bassi Pathana. After an inquiry conducted

by S.P.(D), Fatehgarh Sahib, report dated 21.01.2014 was submitted recommending cancellation of the FIR. Before a final report under Section 173 Cr.P.C. could be filed, the complainant filed the aforesaid private complaint. Status report was called for as an FIR already stood registered. An untraced report dated 12.6.2014 was submitted against which the complainant protested. Thus, the said report was tagged with the complaint and the case was tried.

3. Certain other relevant facts emerging from the complaint and record are that the marriage was solemnized on 30.08.2009. Relations were cordial between the couple for about 20-25 days only. The wife allegedly was of quarrelsome nature and would always complain that she was married into an illiterate family. The husband and family members were insulted even in the presence of outsiders. She would often leave the matrimonial house and the son, to visit her parental house. On being approached to return home, she as well as her relatives threatened the complainant side with dire consequences of sending them to jail if some property was not transferred in her name. The wife and her father had got FIR dated 10.08.2013 registered against the husband and his parents for demanding dowry. The police connived with them and threatened the deceased as well as his family members to transfer property in favour of the wife. The parties were summoned and a compromise dated 11.08.2013 was reached whereby, the wife agreed to return to her matrimonial house and withdraw the case filed by her unconditionally. There was no mention of a condition of transfer of property in her favour. On the next day, Kamaljit Singh (deceased)

transferred his property in favour of his sister and committed suicide 17 days later.

4. Learned Senior Counsel for the appellant has argued that the facts are self-speaking. The complainant-Ranjit Singh appearing as PW-2 has mentioned all the events leading to the death of his son. The same have been reiterated by PW-3-Kuldeep Singh. These statements conclusively proved abetment by the accused to the suicide of Kamaljit Singh. Thus, the trial Court has erred in acquitting them. In fact, the findings of the trial Court are perverse.

5. A perusal of the findings of the trial Court show that accused Ravneet Kaur had agreed to resume matrimonial life with her husband on the very next day after registration of FIR dated 10.08.2013. No condition was attached thereto as proved by the compromise dated 11.08.2013. Yet, Kamaljit Singh deceased transferred his property in favour of his sister on the very next day i.e. 12.08.2013. His father was present at the time of transfer. This gave rise to a valid inference that the father was pressurizing Kamaljit Singh to transfer his property in favour of the sister. The same was not appreciated by Kamaljit Singh. The tension also led to deterioration in his matrimonial relations and registration of FIR against him. Disgusted with the going-on in his house, he took his own life and that of his son probably because he felt that the son would suffer the most after his death as his father would also make his life miserable. No error can be found with these findings as they are based on self-speaking facts. For an act to qualify as abetment of suicide, the accused must intentionally instigate the deceased to such an extent that he commits suicide. While doing the act, the accused

should know that the deceased would commit suicide if he was instigated towards that end. The suicide must be proximate to the instigation. That is, however, not the situation in the present case. The facts proved on record by PWs 2 & 3 only show that the accused-wife was quarrelsome by nature and used to insult the deceased and his family members. Such a conduct is attributed to her since the time of marriage which was in the year 2009. It has also been stated that she used to leave the matrimonial house often and would threaten the deceased and his family members with dire consequences if property was not transferred in her favour. The submission that the threat was real and stood proved cannot be accepted because the same has been falsified by the compromise dated 11.08.2013 wherein there is no pre-condition of transfer of property in her favour by Ravneet Kaur. The other actions are not proximate to the event nor can they be said to be calculated to cause Kamaljit Singh to commit suicide. They would only reflect a normal wear and tear in marriage. Thus, abetment by the accused cannot be said to have been proved.

6. For the aforementioned reasons, the appeal has no merit and is dismissed. Application for leave to appeal is also rejected.

February 03, 2023
'Ankur Goyal'

(SUDHIR MITTAL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>