

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

227

CRM-M-46213-2021

Date of decision: 25.08.2023

Vijay Pal

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. VB Godara, Advocate for the petitioner.

Mr. HS Sullar, Sr. DAG, Punjab.

Mr. AK Khunger, Advocate for respondents No.6 to 8.

Mr. KDS Sidhu, Advocate for respondent No.9.

AMAN CHAUDHARY, J

1. This petition has been filed for issuance of directions to respondents No.1 to 4 to take appropriate action against respondents No.5 to 9 and register FIR against them on the basis of complaint dated 10.05.2019 of the petitioner as well as report dated 18.09.2019 of Superintendent of Police (HQ), Fazilka.

2. Notice of motion was issued in this case on 03.11.2021. Learned State counsel refers to report dated 01.10.2020 (Annexure R1/T) of the Deputy Inspector General of Police, Ferozepur Range, Ferozepur, in particular to para 7 to 12 thereof, which read thus:-

“7.The undersigned considered and perused deeply the enquiry report of S.P.(H), Fazilka and the report of the S.I.T. under the supervision of S.P.(PBI), Fazilka relating to the abovesaid application. The suicide note was also gone through, the suicide note is as under:- "I am sorry Mamma and Papa, have given you too much grief and I do not want to give more grief to you, for whatever wrongs done by me, forgive me. I do not want to die, but due to some persons, I had to take this decision. Forgive me, yours son Raj Kamal."

8. The definition of Section 306 IPC is as under:- Abetment of suicide - if any person commits suicide whoever abets the commission of such suicide.

9. That the deceased Raj Kamal has written in his suicide note that he has given too much grief to his parents and he does not want more grief and whatever wrongs done by

him, forgive him but he does not want to die, but he had to take this decision due to some persons. In the above suicide note, Raj Kamal did not mention the name of any person nor he levelled allegations against any person and he committed suicide due to his own wrongs.

10. Regarding FIR No.48 dated 23.04.2019 u/s 377, 34 IPC u/s 4 POCSO Act P.S. Khuian Sarwar which was registered against Raj Kamal son of Vijay Pal (now deceased), Raj son of Pappa Ram and Vinod Kumar son of Radha Ram residents of Haripura on the statement of Lal Chand son of Lilu Ram, there are allegations against Raj Kamal regarding his having committed unnatural intercourse with Sahil son of the complainant aged about 13 years. This intercourse was committed with the aggrieved boy in the bedroom of the residential house of Raj Kamal. On making noise, Raj Kamal put the handkerchief in his mouth. As per the statement of the aggrieved body, Raj Kamal did unnatural intercourse with him and the challan in the said FIR, has been filed in the learned court on 17.04.2020 and the trial of the case is going on.

11. During the enquiry conducted by the enquiry officers, no such evidence came on the file from which it could be proved that Lal Chand (father of Sahil with whom unnatural intercourse was committed) and Sikander threatened and intimidated Raj Kamal due to which he committed suicide. Besides this, at the time of conducting proceedings u/s 174 Cr.P.C., the applicant Vijay Pal got recorded his statement that his son has committed suicide and he has no grudge with any person nor he wants any action to be taken against any person. No such things has been written in the suicide note of the deceased from which it could be proved that Raj Kamal was compelled to die.

12. No solid evidence is on the file from which it could be proved that Lal Chand and Sikander Singh compelled Raj Kamal for committed suicide. The applicant's son has committed suicide due to his own wrongs in which nobody is at fault and this application is consigned to record.”

3. In view of the above, no further orders are required to be passed and the present petition is disposed of as having been rendered infructuous with liberty to the petitioner to avail of alternate remedy, if any, available to him in accordance with law.

25.08.2023

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**(AMAN CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No