
(2013) 09 RAJ CK 0027

In the Rajasthan High Court

Case No : Criminal Misc. Petition No. 1418/2013

Ratna Ram

APPELLANT

Vs

State of Rajasthan and Another

RESPONDENT

Date of Decision : 30-09-2013

Acts Referred:

Citation : (2014) 1 WLN 182

Hon'ble Judges : Sandeep Mehta, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Sandeep Mehta, J.—The instant misc. petition has been preferred by the petitioner seeking quashing of the F.I.R. No. 132/2013 registered at the Police Station Pipar City for the offence under Sec. 306 of the I.P.C. Succinctly stated the facts of the case are that one Sukhdeo submitted a written report to the S.H.O. Pipar City on 19.06.2013. He alleged in the report that his brother Sugna Ram committed suicide by throwing himself in front of the train at the village Bhundana. He alleged that his brother had come to the village for partition of their ancestral property. However, his uncle's sons Tulsi Ram, Omprakash and sister-in-law Smt. Ashi @ Asu Devi sold their share of the land to Ratna Ram secretly and without their consent. He further alleged that the land continued to be in possession of all the seven brothers i.e. the sons of Banshi Lal including the complainant. Sugna Ram was going to the Pipar Courts for the last 7-8 days for the purpose of putting some sense into their uncle's sons and for ascertaining the possession of the ancestral property, however his efforts failed and Ratna Ram and the uncle's sons rejected the proposal of Sugna Ram outrightly.

2. Sugna Ram confided in the complainant on 18.06.2013 that the accused were trying to usurp whole of their property. He told the first informant that he was fed up with the conduct of Ratna Ram, Tulsi Ram, Omprakash and Asha Devi. Ultimately Sugna Ram felt extremely pressurised and persuaded by the illegal acts of the accused and ended his life by throwing himself in front of the train.

The complainant further alleged that a suicide note was recovered from the body of Sugna Ram, wherein these accused were held responsible for instigating Sugna Ram to end his life. On the basis of this report, an F.I.R. No. 132/2013 was registered at the Police Station Pipar City for the offence under Sec. 306 of the I.P.C. The petitioner Ratna Ram has now approached this Court seeking quashing of the proceedings of the F.I.R. impugned.

3. Shri Vishal Sharma learned counsel for the petitioner Ratna Ram submitted that the petitioner is a bona fide purchaser of the property in question. He submitted that merely because the petitioner purchased the property against the desire and wishes of the deceased, it cannot be said that the petitioner instigated the deceased to commit suicide. He urged that the khatedars of the property in question namely Tulsi Ram, Omprakash, Shrawan, Mahaveer and Ashi voluntarily sold their share in the property to the petitioner for valid consideration by way of a registered sale deed. Learned counsel submitted that if at all the deceased was aggrieved of the sale then, the only remedy available to him was to challenge the sale deed as per law. Learned counsel urged that the sale was executed on 06.06.2013 and the deceased committed suicide on 18.06.2013. Thus it is evident that the transaction of sale and purchase of the land has no proximity with the cause of suicide. Learned counsel further submitted that during the course of the investigation, the complainant and the petitioner have compromised the matter and the complainant is not desirous of continuing the petitioner's prosecution in the F.I.R. impugned. He thus urged that the F.I.R. impugned deserves to be quashed.

4. Learned counsel placed reliance on the following judgments in support of his arguments.

- (1) Kana Ram @ Jagdish Prasad Vs. State of Rajasthan,
- (2) Gangula Mohan Reddy Vs. State of Andhra Pradesh,
- (3) Smt. Aroma M. Philemon Vs. State of Rajasthan and Another,
- (4) Atul Agarwal v. State of Rajasthan & Anr. S.B. Cr. Misc. Petition No. 218/2013 (decided on 09.05.2013)

5. Learned Public Prosecutor has vehemently opposed the submissions advanced by the learned counsel for the petitioner and submitted that from the suicide note of the deceased, it is evident that the deceased was rendered so helpless by the conduct of the accused persons that he had no option but to end his life. Learned Public Prosecutor thus urged that the FIR impugned does not deserve to be quashed by exercising the inherent powers of this Court.

6. Learned counsel for the complainant admitted the fact that the parties have arrived at a compromise.

7. Heard and considered the arguments advanced at the bar and perused the FIR impugned as well as the case diary.

8. Admittedly, there is no material on the record of the case to show that there was any interaction between the petitioner and Sugna Ram any time soon before he ended his life. The petitioner is the purchaser of the property in question for consideration and through a registered sale deed. The revenue documents as available on record show that Tulsi Ram, Omprakash, Shravan, Mahaveer and Ashi were the khatedars of Khasra No. 606 of the village Bhundana. The khatedars sold their own land to the petitioner by a registered sale deed executed on 06.06.2013. As per the allegations of the prosecution, the deceased was not happy with the sale and wanted to have it reversed. If at all the deceased was not happy with the registered sale deed executed in petitioner's favour, then the only remedy available to him was to have the sale deed cancelled. There is no allegation of any fraudulent or unfair means being adopted in the transaction of sale. In order to prosecute a person for the offence of abetting suicide firstly it has to be shown that he acted in the manner described in Section 107 of the I.P.C. Section 107 I.P.C. reads as below:

107. Abetment of a thing.- A person abets the doing of a thing, who - First-Instigates any person to do that thing; or Secondly-Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or Thirdly-Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.- A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Explanation 2.- Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

9. Admittedly, the petitioner neither incited nor provoked nor instigated the deceased to commit suicide. As a matter of fact, no interaction whatsoever admittedly took place between the petitioner and the deceased. Mere allegation of harassment even if true cannot attract the mischief of Section 306/107 I.P.C. Applying the principles laid down by the Hon'ble Apex Court in the case of Gangula Mohan Reddy Vs. State of Andhra Pradesh, , this Court is of the opinion that ex-facie, the FIR impugned does not stand to the tests prescribed by the Hon'ble Apex Court in the aforesaid judgment for the acts complained of to be covered under Sec. 306 I.P.C. From the material available on the record, it is evident that the deceased was highly hypersensitive to ordinary petulance discord differences and disputes over property, which happen in our day to day life.

10. In this view of the matter, this Court is of the opinion that the FIR impugned and the investigation carried out so far ex-facie does not disclose the necessary

material or evidence so as to permit the prosecution of the accused for the offence under Sec. 306 of the I.P.C. Resultantly, the misc. petition succeeds and is allowed. The F.I.R. No. 132/2013 registered at the Police Station Pipar City as well as all subsequent proceedings sought to be taken thereunder are hereby quashed.