

Jitendra Vs. the State of Madhya Pradesh

Jitendra Vs. the State of Madhya Pradesh

SooperKanoon Citation : sooperkanoon.com/1089917

Court : Madhya Pradesh

Decided On : Oct-07-2013

Appellant : Jitendra

Respondent : The State of Madhya Pradesh

Judgement :

M.Cr.C.No.4588/2013 07.10.2013 Shri T.S.Ruprah, Sr.Advocate with Shri U.S.Tiwari, Advocate for the applicants.

Shri Prakash Gupta, Panel Lawyer for the respondent No.1-State.

Shri Devang Trivedi, Advocate for the respondent No.2.

With the consent of learned counsel for the parties, the matter is heard finally.

The applicants have filed this petition under Section 482 of Cr.P.C.to quash the proceeding of Crime No.39/2013 registered at Police Station Rehli District Sagar for the offence punishable under Section 306/34 of IPC.

The brief facts of the case are that there was a dispute of land between the deceased Laxmi Narayan and the applicants that the applicants were claiming their land in the land of the deceased.

The deceased has committed suicide on 20.6.2012 by leaving two suicidal notes in which it was mentioned that due to harassment done by the applicants he

committed suicide.

Also that the deceased was unable to bear the insult caused by the applicants, and therefore he committed suicide.

After considering the submissions made by the learned counsel for the parties and looking to the facts and circumstances of the case, it is apparent that there was no relation between the parties so that presumption under Section 113- A of the Evidence Act may apply.

For Constitution of the offence under Section 306 of IPC, the overt- acts of the applicants should fall within the purview of Section 107 of IPC.

Looking to the overt-acts alleged against the applicants, it would be apparent that there was a civil dispute between the parties.

Directly there is no allegation against the applicants that they abetted the deceased to commit suicide, and therefore it was for the prosecution to show that the deceased had no option left by the applicants except to commit the suicide.

The deceased has made some omnibus allegations in the suicidal notes about the insult and harassment, but there is no previous FIR shown against the applicants that they made the position of the deceased in such a manner that he had no alternative except to commit suicide.

It is apparent that if the applicants were claiming one acre land in the land of the deceased, then he could have approached the Revenue Authorities or he could have moved the civil court.

Under such circumstances, the overt-acts of the applicants are not established prima facie so that it can be said that they did not leave any option to the deceased except to commit suicide.

Under such circumstances, the allegations made in the suicidal notes as well as allegations made by the witnesses are collectively considered, then they do not fall within the purview of Section 107 of IPC and consequently no offence under Section 306 of IPC is made out against the applicants.

On the basis of the aforesaid discussion, the petition filed by the applicants under Section 482 of Cr.P.C.is hereby accepted.

The proceedings and registration of Crime No.39/2013 registered at Police Station Rehli District Sagar are hereby quashed.

If the charge sheet is filed, then the trial Court is directed to drop the proceeding against the applicants.

A copy of this order be sent to the learned Sessions Judge, Sagar so that it may be provided to the trial Court for information and compliance.

(N.K.Gupta) Judge Ansari

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com