

Rajiv Thapar v. Madan Lal Kapoor, (2013) 3 SCC 330

Criminal Law

Criminal Procedure Code, 1973

Ss. 482 and 227 - Stepwise enquiry devised for High Court to follow in exercising power of quashment under S. 482 - Quashment of proceedings - Defence material when may be relied on to quash proceedings - Held, High Court in exercise of its jurisdiction under S. 482 must make just and rightful choice - At this stage, neither truthfulness of allegations levelled by complainant can be evaluated, nor can weight of defence evidence be determined - Where allegations bring out all ingredients of charge(s) levelled, and material placed before court prima facie shows truthfulness of allegations, trial must proceed even when accused is successful in raising some suspicion or doubt in allegations levelled - This is so because it would result in giving finality to the accusations levelled by the prosecution/complainant, without allowing the prosecution or the complainant to adduce evidence to substantiate the same - Thus, held, to invoke its inherent jurisdiction to quash proceedings on basis of defence material High Court has to be fully satisfied that material produced or relied on by accused (a) leads to conclusion that his/their defence is based on sound, reasonable, and indubitable facts; (b) rules out and displaces assertions contained in charges levelled against accused without necessity of recording any evidence; (c) should not have been refuted, or alternatively, cannot be justifiably refuted, being of sterling and impeccable quality i.e. a reasonable man should be persuaded to dismiss and condemn actual basis of accusations as false; and (d) whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice - On facts held, evidence produced by appellant-accused husband viz. post-mortem report, chemical analysis findings by Central Forensic Science Laboratory, inquest report, letter written by brother of deceased just four days before her death, and telephone bills substantiating consistent and regular and amicable/cordial contact between families of husband and deceased wife, were not refuted or contested by respondent complainant (father of deceased wife) - Moreover, complainant himself was uncertain about manner in which his daughter had allegedly died i.e. whether by poisoning or strangulation - High Court in such circumstances, held, should have viewed matter keeping in mind likelihood of hurt caused to a father who had lost his daughter within one year of her marriage (due to heart disease) and ascertained whether complaint was actuated by malice and ulterior motive for wreaking vengeance - Besides, mother of deceased, despite repeated opportunities had failed to appear in inquest proceedings - High Court erred in not exercising its judicial conscience for invoking its inherent powers and quashing proceedings - In fact High Court had quashed discharge order passed by Sessions Judge - Discharge order restored and proceedings quashed, (2013) 3 SCC 330-A

Criminal Law

Criminal Trial

Poisoning - Dead body turning blue - Held, is not sufficient to infer that deceased was poisoned to death, (2013) 3 SCC 330-B

Criminal Law

Penal Code, 1860

Ss. 498-A, 304-B and 306 - Cordiality between husband/wife and families of husband and wife - Proof of, (2013) 3 SCC 330-C

Criminal Law

Criminal Procedure Code, 1973

S. 176 - Reliance on statement made in inquest proceedings - Impropriety - Statement made by doctor in inquest proceedings to effect that deceased had a happy married life, that she had two bouts of illness, and further that she had large hole in heart - Held, reliance on said statement would be permissible only after the same is recorded by court on oath, whereupon, doctor concerned has to be subjected to cross-examination - Any fact situation based on oral testimony, by one or the other party without it being formally proved, cannot be the basis of a determination of issue, (2013) 3 SCC 330-D