

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM No. M-11799 of 2011(O&M)

Date of decision: 12.02.2015

Naman and others

.....Petitioners

versus

State of Punjab and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Amarjit Singh Virk, Advocate for the petitioners
Mr.Nikhil K. Chopra, DAG Punjab
Mr.R.S.Bains, Advocate for respondent No.2

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Naman petitioner No.1, who happens to be sister-in-law (husband's sister) of respondent No.2, initially filed this petition along with two other petitioners, namely, Hardial Singh and Kamaljit Kaur under Section 482 Cr.P.C. for quashing FIR No.6 dated 25.2.2011 registered under Sections 406, 498A IPC at Police Station Woman Cell, Jalandhar along with the consequential proceedings.

During the pendency of the petition, petition qua Hardial Singh and Kamaljit Kaur was withdrawn and now the petition only qua Naman petitioner is being pressed.

The perusal of FIR shows that qua the present petitioner, there are three allegations:-

- i) *at the time of marriage, she was entrusted a gold ring;*

ii) after the marriage, all the family members harassed respondent No.2 like anything and even gave beatings to her for want of dowry;

iii) On 9.4.2010, the marriage of Naman petitioner was to be settled and some persons from the boy's side were to come to the matrimonial house of the complainant. The complainant asked all the accused that she had got no jewelry to wear on the occasion, on which, the accused forcibly locked the complainant in the room after giving slaps and fist blows.

Learned counsel for the petitioner has argued that the petitioner was unmarried sister-in-law of the complainant. He has also stated that she was working at Pune since the year 2007. For this purpose, appointment letter (Annexure P1) has been produced.

Reply of respondent No.2 shows that the fact that the petitioner was working at Pune has been admitted. It is stated that she often used to come to Kurukshetra to her parental home and subjected the complainant to mental and physical cruelty alongwith the other co-accused.

After hearing learned counsel for the parties, I am of the view that the present petition deserves to be allowed qua Naman petitioner. Handing over the ring during the marriage is a gift. Other allegations are of general nature. There is no specific allegation as to what was actually done by the petitioner. Regarding the allegation No.2, it is generally mentioned that all the accused maltreated respondent No.2. Regarding allegation No.3, it comes out that on

that date, marriage of the petitioner was to be settled. Therefore, it is unlikely that she will participate in beatings of the complainant. It is also noticed that there is a general tendency to drag maximum family members of the boy side in such matrimonial dispute.

Keeping in view the fact that the allegations against the petitioner from its face do not make out any offence against her, FIR No.6 dated 25.2.2011 registered under Sections 406, 498A IPC at Police Station Woman Cell, Jalandhar along with the consequential proceedings qua the present petitioner Naman only stands quashed.

However, the observations made above shall not be taken into consideration while considering the case qua remaining accused.

12.02.2015
gk

(Kuldip Singh)
Judge