

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

CRM No.M-1068 of 2014 (O&M)

Date of decision: 08.09.2015

Aarti and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Jagjit Singh, Advocate for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Krishan Sehjpal, Advocate for respondent No.2.

Jitendra Chauhan, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of the complaint No. 68 dated 13.12.2010, registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC') and summoning order dated 02.08.2013 (Annexure P-8) pending in the Court of JMIC, Kapurthala.

The learned counsel for the petitioner refers to the enquiry report (Annexure P-2) conducted by the Deputy Superintendent of Police, wherein it has been specifically reflected that despite the specific proposal to take the respondent No.2 to the matrimonial home, she did not accede to the request. Even the panchayat had offered to

bear the expenses of the children. He further refers to Annexure P-3, where the similar findings in favour of the petitioners were recorded that they had been residing separately and had nothing to do with the matrimonial life of the parties.

The learned counsel cites Geeta Mehrotra and another Vs. State of U.P., and Anr., 2012(4) RCR (Criminal) 813.

On the other hand, the learned counsel for respondent No.2 states that the husband has already been declared proclaimed offender whereas the father in law is settled abroad and the mother has also died. There is none to look after respondent No.2 who is saddled with responsibility of raising two young daughters. He refers to the complaint and states that there are specific allegations against the petitioners with regard to demand of dowry.

Heard.

Keeping in view the fact that the petitioners have been specifically named in the complaint and disputed facts are involved in this case, if this petition is allowed, it would cause prejudice to the case of the prosecution, therefore, no case for quashing the FIR is made out at this stage.

Dismissed.

However, the petitioners are at liberty to raise all the points during trial at appropriate stage.

08.09.2015

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(JITENDRA CHAUHAN)
JUDGE