

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-16495 of 2011 (O&M)
Date of Decision : 03.07.2015

Jaswinder Kaur @ Dimpy and anotherPetitioners

Versus

U.T. Chandigarh and anotherRespondents

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers 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?*

Present: Ms. Sarika Gupta, Advocate
for the petitioners.

Mr. G.S. Chahal, AAP, U.T. Chandigarh.

Ms. Nancy Gupta, Advocate
for respondent no. 2.

R.P. NAGRATH, J.

The instant petition has been filed under Section 482 Cr.P.C. seeking to quash FIR No. 125 dated 21.04.2006 for offences under Sections 406 and 498-A of Indian Penal Code (IPC), registered at Police Station Sector 34, Chandigarh and subsequent proceedings arising therefrom.

Petitioner no. 1 was the unmarried sister of husband of the complainant and petitioner no. 2 is the mother-in-law.

After arguing for sometime, learned counsel for petitioners seeks to withdraw the instant petition qua petitioner no. 2-Surinder Kaur, the mother-in-law.

The prayer is, therefore, confined only with regard to petitioner no. 1 only.

Learned counsel for petitioners, vehemently, contended that allegations against petitioner no. 1 are vague and general and even petitioner no. 1 has since been married. The factum that petitioner no. 1 has since been married at Patiala was admitted in the written reply filed by the complainant.

I have heard learned counsel for petitioners, the State counsel assisted by Ms. Nancy Gupta, Advocate, counsel for the complainant and perused the paper-book.

Entire version of the complainant in FIR was mainly against the mother-in-law and the husband apart from the major role allegedly played by married sister and her husband, having constantly interfered in the matrimonial relations between the couple and harassment of the complainant. The story relevant for disposal of the petition qua petitioner no. 1 as contained in FIR requires some narration.

The marriage of complainant was solemnized on 22.02.2004 at Chandigarh. It was stated that after marriage petitioner no. 2 started maltreating, misbehaving, raising demand of more dowry etc. and petitioner no. 1, her other sister Balwinder Kaur and brother-in-law Rajinder Singh, the husband of Balwinder Kaur had also been maltreating, misbehaving, causing cruelty to the complainant and raising the demand of dowry from time to time. The complainant was statedly turned out of matrimonial home on 20.05.2004 but with the intervention of family members, she was again rehabilitated. A settlement was reached on 17.12.2004. In the said settlement, husband of the complainant had undertaken that his parents and parents of the

complainant would not interfere in family life of the parties. It was further undertaken that in case of any problem/grievance to the complainant, husband of the complainant would be responsible. It was further stated that Rajinder Singh, brother-in-law of the husband, both the sisters-in-law and mother-in-law of the complainant continued interfering in her matrimonial life and had been torturing and raising various demands with regard to articles to be brought from her parents and other relatives.

Then there is description of certain incidents about *Lohri* function when parents of the complainant were not allowed to enter the house. On 01.05.2005, husband of the complainant forcibly administered some tablets (poison) in order to kill her but she was fortunately saved. On 09.07.2005, the complainant was given severe beating by her husband at the instigation of his brother-in-law. On 10.07.2005, when husband of the complainant, Rajinder Singh and the wife of Rajinder Singh and mother-in-law of complainant while turning her out of the house remarked that they have links with high ups. During treatment of the complainant at the time of pregnancy and birth of the child, husband of the complainant neither came to see her or the child nor gave any amount for the treatment. The life of the complainant has been ruined by her husband, mother-in-law, Rajinder Singh and wife of Rajinder Singh, who have been interfering, instigating, levelling false allegations against the complainant and raising various demands of dowry.

The married sister-in-law of the complainant and her husband had filed CRM-M-964 of 2010 for quashing of FIR before

this Court and vide order dated 19.05.2011, this Court had quashed the FIR and consequent proceedings qua those petitioners. It was observed in the order dated 19.05.2011 (Annexure P-6) as under:-

“.....All the allegations are general in nature and no specific allegations are there against the present petitioners. The petitioners have been implicated only on the basis of general allegations. The question of demand of dowry and harassment does not arise as the petitioners were residing separately. It appears that the names of the petitioners have been mentioned in the complaint just to falsely implicate them.

In view of the facts of the present case and the law position as explained above, I am of the considered view that keeping in view general and vague allegations, the present petitioners cannot be held liable as they were not having any role with regard to demand of dowry or in harassing thereof as they were residing separately and there was no occasion for them to demand any dowry or to harass the complainant in any manner. Accordingly, the petition is allowed and FIR No. 125 dated 21.4.2006 registered under Sections 406 and 498-A IPC at Police Station, Sector 34, Chandigarh as well as all subsequent proceedings arising therefrom are quashed qua the present petitioners.”

From above version of the complainant as highlighted above, main allegations were against the husband and mother-

in-law and at the most Balwinder Kaur, the sister-in-law of the complainant and her husband Rajinder Singh, whereas allegations against petitioner no. 1 are quite vague and general. There is no specific incident as to what actually was done by petitioner no. 1 or whether she made a specific demand of dowry or about the date of incidents qua her. The case of petitioner no. 1 is rather on much better footings than the prayer that was made by married sister and her husband.

In view of the above, the instant petition is dismissed as withdrawn qua petitioner no. 2. However, instant petition is allowed qua petitioner no. 1 only and FIR No. 125 dated 21.04.2006 for offences under Sections 406 and 498-A IPC, Police Station Sector 34, Chandigarh and consequent proceedings based thereon qua her are quashed.

July 03, 2015
jk

(R.P. NAGRATH)
JUDGE