

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

CRM-M-18216-2015

Date of decision: 9.7.2015

Om Parkash Saini and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Gorakh Nath, Advocate for the petitioner

SNEH PRASHAR, J.

The present petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of DDR No.32 dated 18.10.2014 under Sections 498-A, 406, 506, 323, 342 & 34 of the Indian Penal Code at Police Station City Tohana, District Fatehabad, in First Information Report No.456 dated 18.10.2014 lodged by petitioner No.3.

The submissions made by Mr.Gorakh Nath, Advocate appearing for the petitioners have been heard.

It was submitted on behalf of the petitioners that the present DDR was lodged as a counter blast to First Information Report No.456 dated 18.10.2014 under Sections 147, 149, 452, 323, 506 IPC registered at Police Station City Tohana against the complainant and her family members by petitioner No.3 Rajesh Kumar, elder brother of Sunil Kumar (Husband of the complainant). A false story was concocted to implicate

the petitioners, who are parents-in-law, brother in law (jeth) and sister in law (Jethani) of the complainant and had no involvement in the marital dispute of the complainant with her husband. There was no specific allegation of demand of dowry against the petitioners. Also the complainant alleged no specific entrustment of any dowry article to any of the petitioners and therefore, no commission of offence under Section 498-A IPC was made out against them. Prior to the incident that took place on 18.10.2014, in respect of which Rajesh Kumar (petitioner No.3) lodged First Information Report No. 456, the complainant had never approached any authority saying that she was being maltreated by her husband or in laws' family on account of demand of dowry. It is only to dilute the offence committed by the complainant and her family members that police registered DDR No.32 dated 18.10.2014 and stopped taking action against the complainant and her family members in the First Information Report registered on the statement of Rajesh Kumar (petitioner No.3). A petition for dissolution of marriage with complainant Sangeeta has already been filed by her husband Sunil Kumar, which is pending before the learned District Judge, Fatehabad, that too is the reason for which the complainant intends to harass the entire family.

DDR No.32 dated 18.10.2014 on the statement of complainant-respondent No.2 Sangeeta may have been recorded after registration of the First Information Report No.456 dated 18.10.2014 but apparently both were registered on the same day. The DDR contains specific allegations of maltreatment of the complainant for demand of

dowry against the petitioners and her husband Sunil Kumar. She stated that just three -four days after marriage she was informed by her sister-in-law (Jethani Karamjit Kaur) and brother -in -law Deepak that prior to marriage her husband Sunil Kumar was having love affair with a girl named Tamanna and she should talk about it with her husband. Karamjit Kaur also told that many things had happened with her during her five years married life for which even Panchayat was held. When she (complainant) talked to her husband about Tamanna, he stopped speaking to her. Also her parents'-in-law started expressing annoyance about money/ dowry given by her father. They wanted that the FDR of Rs.5 lacs in her name should have been got issued in their names. They repeatedly ill treated her and demanded more dowry / cash amount from her. To satisfy them her father paid huge cash amount but there was no change in their attitude.

As regards the incident that took place on 18.10.2014, the complainant stated that her room was locked by her sister-in-law (jethani) and when she demanded the key from her, she was asked to leave the matrimonial home immediately. She sat in the room of her sister-in-law (jethani). After some time her brother- in- law Rajesh Kumar came and he dragged her out of the room and when she tried to call her father, he snatched her mobile phone and switched it off and gave slaps to her. Karamjit Kaur caught hold of her hands and Rajesh Kumar putting her veil (chunni) around her neck tried to strangulate her. Her parents- in -law also intervened and gave severe beatings to her. She was dragged into the courtyard and was locked in a room. After

having received her call when her father found her mobile switched off, suspecting some foul play, he came to her matrimonial home and then took her to the hospital.

The aforesaid specific allegations of the complainant *prima facie* indicate that she was being harassed and maltreated on account of demand of dowry by her husband and other members of in-laws' family. It was a case of cross version as far as the incident dated 18.10.2014 was concerned that had taken place in the matrimonial home of the complainant. It was not a case where the complainant was trying to rope in all the relations of her husband on general allegation of maltreatment on account of demand of dowry. The incident that took place on 18.10.2014 could not be denied by the petitioners as there was a version of Rajesh Kumar (petitioner No.3), who himself had got First Information Report No.456 registered against complainant Sangeeta and her father etc.

The challan is yet to be presented. The allegations of the complainant which are serious in nature cannot be rejected outrightly. Only the trial will reveal version of which of the parties was right.

In **Union of India vs. B.R. Bajaj 1994 AIR 1256 (SC)** it was held that “at the stage of the FIR the courts should refrain from interfering when the FIR discloses commission of a cognizable offence and statutory power of police to investigate cannot be interfered with in exercise of the inherent power of the court.”

Since it is a case of cross-version, and the petitioners have been specifically named in the DDR, it will not be in the interest of

justice to outrightly quash the DDR in question recorded on the statement of complainant Sangeeta.

Keeping in view the above peculiar facts and circumstances of the case, in my considered opinion, no case for quashing the DDR in question is made out and the present petition being devoid of any merit is dismissed.

9.7.2015
gsv

(SNEH PRASHAR)
JUDGE