

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-20584 of 2014

Date of Decision: February 2, 2015

Johny Sharma

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

-. -

Present:- Mr.Kanwaljit Singh, Sr. Advocate with
Mr. Vikram Gupta, Advocate
for the petitioner.

Mr. C.S. Brar, DAG, Punjab.

Mr. J.S. Bedi, Sr. Advocate with
Ms. Diya Sodhi, Advocate for the complainant.

-. -

M.M.S. BEDI, J. (ORAL)

Petitioner is husband of Nivedita Sharma who was married to him on November 28, 2012 but on account of cruelty and demand of cash and dowry articles, she was compelled to stay away from the matrimonial home.

The parties initially showed inclination for amicably resolving the dispute as such the matter was referred to Mediation and Conciliation

Centre of Punjab and Haryana High Court but unfortunately the matter could not be resolved.

Counsel for the petitioner has vehemently urged that the petitioner has been falsely implicated in the case and that no recoveries are to be effected as it is not a case of misappropriation of dowry articles and offence under Section 406 IPC is not alleged against the petitioner.

As per the allegations in the FIR, the complainant had even been abused and threatened on April 11, 2014 when a meeting was arranged between the parties in Red Cross building at Jalandhar. The complainant allegedly received injuries on said date and was admitted in hospital. An FIR was also registered against the petitioner.

In order to show the bonafide, learned counsel relied on annexure P-1, a petition under Section 9 of the Hindu Marriage Act filed by the petitioner for restitution of conjugal rights. It has been urged that as a matter of fact, the complainant was not willing to stay at Jalandhar but wanted petitioner to settle at Dhuri after severing his relations with his family members.

I have considered the facts and circumstances of this case and I am of the opinion that since the complainant wife under compelled circumstances has been made to leave the matrimonial home on account of acts of cruelty committed by the petitioner despite an application under Section 9 of the Hindu Marriage Act having been filed, the trauma of assault and cruelty prevents the complainant to join her husband despite the fact that

she alongwith minor child have been forced to stay away from the matrimonial home. The excuses made by the petitioner that the complainant wants a separate accommodation and has got no reason to stay separate are merely the fake defences created to harass the complainant. The objective of Section 498 A IPC would be defeated in case in circumstances of the torture and cruelty like this, the concession of bail is granted to the petitioner.

Dismissed.

Februar 2, 2015
sanjay

(M.M.S.BEDI)
JUDGE