

In the High Court of Punjab and Haryana at Chandigarh

CRM-M-25845-2015

Date of decision: 24.08.2015

GURMEET SINGH AND ANOTHER

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.S.S.Randhawa, Advocate,
for the petitioners.

SABINA, J.

Petitioners have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.' for short) for quashing of FIR No. 143 dated 3.11.2010 (Annexure P1) under Sections 406 and 498-A of the Indian Penal Code, 1860 ('IPC' for short) registered at Police Station Division No.4, Ludhiana and subsequent proceedings arising therefrom.

Prosecution story, in brief, is that the complainant got married to Harmit Singh on 20.4.2008. The in-laws family of the complainant behaved properly with her for about ten days and, thereafter, the accused including the petitioners started misbehaving with her. Accused started taunting the complainant that she had brought less dowry and they all started demanding a motor cycle,

gold articles, furniture and other electronic goods, house hold articles and ₹ one lakh in cash from the complainant. It is further the case of the complainant that she had been given beatings by all the accused including the petitioners as the demand put-forth by the accused could not be satisfied.

After completion of investigation and necessary formalities, challan was presented in the Court. Petitioners were kept in column No.2 as they were found innocent during investigation. Thereafter, during trial, an application was moved by the prosecution under Section 319 Cr.P.C. for summoning the petitioners to face trial as additional accused. The said application was allowed by the trial Court vide order dated 3.4.2014 (Annexure P4).

Learned counsel for the petitioners has submitted that petitioner No.1 was the elder brother of Harmit Singh and petitioner No.2 was the wife of petitioner No.1. Petitioners were residing separately and had been falsely involved in this case.

A perusal of the FIR (Annexure P1) reveals that the specific allegations have been levelled against the petitioners that they along with their co-accused had been harassing the complainant on account of insufficiency of dowry. Complainant has specifically alleged that the petitioners along with their co-accused had also raised demand of a motor-cycle, gold articles, furniture, other electronic goods, house-hold articles and ₹one lakh in cash from the complainant. When the complainant had failed to fulfill the said demand, she was given beatings by the petitioners and their co-accused. Petitioners were found innocent during investigation but

they were summoned to face the trial on an application moved by the prosecution under Section 319 Cr.P.C. Although, the order whereby petitioners were sought to be summoned on the application moved by the prosecution under Section 319 Cr.P.C has been placed on record as Annexure P4 but the same has not been specifically challenged by the petitioners. Vide this petition, petitioners have sought quashing of the FIR (Anexure P1).

Since the specific allegations have been levelled against the petitioners and the fact that they have not challenged the order whereby they were summoned to face trial on the application moved by the prosecution under Section 319 Cr.P.C. (Annexure P4), no ground for interference is made out.

Dismissed.

**(Sabina)
Judge**

August 24, 2015

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