

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2015.02.25 10:51
I attest to the accuracy and
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CRM No. M-35066 of 2011 (O/M)
Date of decision : 20.2.2015

Harpreet Kaur and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. D.R. Punia, Advocate, for the petitioners.

Mr. Ashish Sanghi, Deputy A.G., Punjab.

Mr. Vikram Anand, Advocate, for respondent No. 2.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Petitioners Harpreet Kaur and Manpreet Kaur, who are unmarried daughters of the maternal uncle of the husband of complainant (respondent No. 2 herein) Charanjit Kaur, alongwith Swaran Singh, maternal uncle of the complainant, have filed this petition for quashing of FIR No. 19 dated 2.4.2011, registered under Sections 498-A, 406, 420, 494, 120-B IPC at Police Station Begowal, District Kapurthala.

The contents of the FIR in question reveal that the complainant/respondent No. 2 herein, namely, Charanjit Kaur had filed a complaint against as many as 11 persons, stating that she

was married with Didar Singh on 25.11.2007. The said Didar Singh is stated to be permanently settled in Portugal. Then, regarding the petitioner No. 2 Swaran Singh, it is stated that a gold ring was given to him at the time of marriage. The names of petitioners No. 1 and 2 did not figure in the FIR in question. However, during investigation, an inquiry was conducted and it is found that said Didar Singh had solemnized second marriage on 19.11.2010 with one Jaspreet Kaur. It is stated that Swaran Singh (petitioner No. 3) was the mediator of the marriage and Harpreet Kaur and Manpreet Kaur (petitioners No. 1 and 2 respectively) were present at the time of said marriage.

Learned counsel for respondent No. 2 states that he adopts the reply of respondent No. 1-State.

I have heard learned counsel for the parties and have also carefully gone through the file.

A perusal of the FIR in question shows that the complainant had made concerted efforts to rope in as many as persons as possible. In this case, the entire family of the husband has been involved. Even the Sarpanch and Lambardar of the village have also been involved in the crime. The giving of ring to the maternal uncle of the boy is customary and is taken as a gift. It cannot be covered within the term 'dowry' and consequently, could not be misappropriated.

However, during inquiry, it was found that Swaran Singh (petitioner No. 3) was the mediator of the second marriage of said

Didar Singh with one Jaspreet Kaur solemnized on 19.11.2010. However, regarding petitioners No. 1 and 2, who are the unmarried daughters of Swaran Singh (petitioner No. 3), it was found that they were present at the time of marriage. It appears that to caste the net wider, the unmarried daughters of Swaran Singh were also roped in. The mere presence at the time of marriage does not amount to abetment or criminal conspiracy. They are unmarried girls and probably had nothing to do with the marriage of said Didar Singh with one Jaspreet Kaur.

In view of the matter, I am of the view that no offence is made out against petitioners No. 1 and 2, namely, Harpreet Kaur and Manpreet Kaur. Therefore, FIR No. 19 dated 2.4.2011, registered under Sections 498-A, 406, 420, 494, 120-B IPC at Police Station Begowal, District Kapurthala, qua petitioners No. 1 and 2 is quashed, whereas petition qua petitioner No. 3 Swaran Singh stands dismissed.

(KULDIP SINGH)
JUDGE

20.2.2015
sjks