

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-35110 of 2013

.....

Date of decision:22.1.2015

Sandeep Kaur and another

...Petitioners

v.

Kirandeep Kaur and another

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. K.B.S. Mann, Advocate for the petitioners.

Mr. Iqbal Singh Mann, Advocate for respondent No.1.

Mr. A.S. Klar, Assistant Advocate General, Punjab
for respondent No.2-State.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. for quashing of complaint No.08 of 7.11.2012 titled as Kirandeep Kaur v. Gurvinder Singh and others filed for the offences under Sections 323, 376, 498-A, 406, 506, 120-B, 341 and 354 IPC and summoning order dated 9.4.2013, pending in the Court of learned Additional Sessions Judge, Sri Muktsar Sahib.

It is stated in the petition that the complaint case has been filed on false and baseless facts the petitioners have been falsely implicated in the present case by complainant Kirandeep Kaur respondent No.1. Petitioner No.1 is unmarried sister-in-law of respondent No.1 and

petitioner No.2 is daughter of maternal uncle of mother of petitioner No.1 and is now married in the neighbour house of petitioner No.1.

Notice of motion has been issued in this case.

Mr. Iqbal Singh Mann, learned Advocate has put in appearance on behalf of the respondent No.1 and Mr. A.S. Klar, learned Assistant Advocate General, Punjab has appeared on behalf of respondent No.2-State and contested this petition.

I have heard learned counsel for the petitioners as well as learned counsel appearing for respondent No.1 and learned Assistant Advocate General, Punjab appearing for respondent No.2-State and have gone through the record.

Learned counsel for the petitioners mainly argued that filing of the complaint against the present petitioners is nothing but an abuse of the process of the Court. Petitioner No.1 Sandeep Kaur is unmarried sister-in-law of respondent No.1 and petitioner No.2 is daughter of maternal uncle of mother of petitioner No.1 and now married in the neighbour house of petitioner No.1. A perusal of the complaint Annexure-P.1 shows that there is no particular incident against the present petitioners. The present petitioners are not supposed to be in possession of the dowry articles. The present petitioner No.1 Sandeep Kaur, who is unmarried sister-in-law and petitioner No.2 Sharni, in no way, can be held as in possession of the dowry articles. They also cannot be held as the beneficiaries for the demand of dowry articles. It is written in the complaint that her sister-in-law used to wear her suits. Another allegation

levelled against Sandeep Kaur and Sharni is that on entering by the complainant to her house they started abusing the complainant and Sharni along with others gave beating to the complainant.

Nowadays it has become a tendency that when a matrimonial dispute arises, the complainant uses to involve all the family members in the criminal proceedings.

Learned counsel for the petitioners placed reliance on the judgment of the Hon'ble Supreme Court in Geeta Mehrotra and another v. State of U.P. and another, 2012 (4) R.C.R. (Cr.) 812, where FIR was lodged for the offence under Section 498-A IPC and Dowry Prohibition Act by the wife alleging that her husband, his parents, brother and sister tortured and harassed her by making demand of dowry. The proceedings against brother and sister were quashed on the ground that there was just casual reference of their names in the FIR and there being no specific incident so mentioned against them. A fact borne out of experience be overlooked that there is a tendency to involve the entire family members of the household in the domestic quarrel taking place in a matrimonial dispute. I have gone through the law laid down in this judgment, which fully applies to the facts of the present case.

Learned counsel for the petitioners also placed reliance on the judgment of Hon'ble Supreme Court in Preeti Gupta and another v. State of Jharkhand and another, 2010 (4) R.C.R. (Cr.) 45, in which also the Hon'ble Supreme Court has held that majority of complaints are filed either on the advice of the members of Bar or with their concurrence with

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exaggerated versions and large number of these complaints have not only flooded the Courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society. In this case, the complaint qua brother and sister was quashed. I have gone through the law laid down in this judgment, which fully applies to the facts of the present case.

Keeping in view the facts and circumstances of the present case, I find that Sharni, who is a neighbour and is not a close relative, in no way, can be held interested in the matrimonial dispute. Similarly, Sandeep Kaur, the unmarried sister-in-law, it looks, has been involved only to involve the maximum members of the family in the criminal proceedings when the matrimonial dispute arose. In no way, these petitioners can be held as in possession of the dowry articles nor they are the beneficiaries for the demand of dowry. General allegations have been levelled against them. Therefore, the complaint filed by respondent No.1 against the present petitioners is nothing but an abuse of the process of the law.

Finding merit in the present petition, the same is accepted and complaint No.08 of 7.11.2012 titled as Kirandeep Kaur v. Gurvinder Singh and others filed for the offences under Sections 323, 376, 498-A, 406, 506, 120-B, 341 and 354 IPC, summoning order dated 9.4.2013 and all subsequent proceedings arising out of the same are hereby quashed qua the petitioners.

January 22, 2015.

(Inderjit Singh)
Judge

hsp