

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-32396 of 2015 (O&M)
Date of Decision: September 22, 2015

Kulwinder Singh and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.P.S.Tinna, Advocate
for the petitioners.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.08 dated 19.05.2014 under Sections 498-A and 406 IPC registered at Women Police Station Jagraon, District Ludhiana.

At the time of arguments, learned counsel for the petitioner argued that SSP, Ludhiana has given enquiry report in favour of the petitioner. As per the FIR, harassment is stated to be in Italy where the parties reside after the marriage and he also argued that no dowry articles are given and the FIR is false one.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that in the present case, after completion of the investigation, challan has been presented but

charges are not framed yet as argued by learned counsel for the petitioner.

Further, I find that Annexure P-1 is the copy of the FIR, which is registered under Sections 498-A and 406 IPC on the basis of application filed by Pawandeep Kaur-respondent No.2, in which she stated that she got married on 06.01.2010 with Simranjit Singh, who is permanently residing in Italy and the marriage was performed as per religious rites and ceremonies at Overseas Palace, Jagraon, District Ludhiana. It is further stated in the application that before the engagement, her in-laws did not demand anything with regard to dowry but before one day prior to the engagement, her fiancée Simranjit Singh, father-in-law Kulwinder Singh, mother-in-law Paramjit Kaur and sister-in-law Ramandeep Kaur sent a message through mediator Sonu that they are NRIs, so their marriage should be performed with a great pomp and show and the *milni* of the relatives should be done with gold. It is also stated by the complainant that due to their demand, her father spent beyond his reach and her husband was given one diamond ring, one chain, one bracelet of around 10 *tolas* and one wrist watch was also given. To father-in-law Kulwinder Singh, one gold *karah* and one gold ring of around 4 *tolas* was given. To mother-in-law Paramjit Kaur, one gold set weighing three *tolas* and to sister-in-law Ramandeep Kaur one gold set weighing around three *tolas* was given and some other gold ornaments were given to other relatives. It is also in the FIR that complainant's father-in-law and mother-in-law called her and said

which car are you giving? On this, she disclosed everything to her father and then her father kept ₹5 lacs in the lap of Simranjit Singh after taking the same from the relatives. As per the FIR, then after this her in-laws started taunting her and her husband Simranjit Singh and his family after around 1½ months and after around 6 months, she went to Italy and there also, their behaviour never changed and she was tolerating all this. On 15.10.2011, daughter was born to complainant and after that they started harassing her more because a girl child was born.

Keeping in view the above-said facts of the FIR, I find that it is clear that marriage took place in District Ludhiana and dowry articles are also stated to have been given at the time of marriage. It is also in the FIR that the accused also resided in India for about 1½ months and harassed the complainant. In no way, it can be held that the Court at District Ludhiana has no territorial jurisdiction. The cause of action regarding offence under Section 406 IPC arose in District Ludhiana where the entrustment of dowry articles was made to the accused.

As regarding the enquiry report given by SSP, Ludhiana, the Investigating Officer and the Superior Officer have not agreed to it, therefore, on this ground also, FIR is not liable to be quashed. Otherwise also, whether dowry was given or not, is a finding of fact, which is to be given by the trial Court on the basis of the evidence produced before it.

From the perusal of the FIR, in no way, it can be held that

no offence is made out against the petitioners. Nothing is there from which it can be held that registration of the FIR is abuse of process of the law.

In view of the above discussion, I do not find any merit in the present petition, therefore, the same is dismissed.

September 22, 2015
Vgulati

(INDERJIT SINGH)
JUDGE