

CRM-M-36737-2015

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of Decision: 29.10.2015

Kaushal Rani

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.K. Chhokar, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the orders dated 18.12.2013 and 01.09.2015.

Learned counsel for the petitioner has submitted that specific allegations were levelled against respondents No.2 to 5 in the FIR. Respondents No.2 to 5 alongwith their co-accused Anil Kumar had been harassing the petitioner on account of demand of dowry. Learned counsel has further submitted that respondents No.2 to 5 and Anil Kumar, husband of the petitioner were residing together.

Prosecution story in brief is that petitioner got married to Anil Kumar on 04.04.2002. Three children were

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born out of the said wedlock. Anil Kumar and respondents No.2 to 5 had been harassing the petitioner on account of insufficiency of dowry and they were asking her to bring ₹21,000/-. It is the case of the petitioner that on many occasions she had been given beatings by the accused.

After investigation of the case, challan was presented against accused Anil Kumar. During the pendency of the trial, prosecution moved an application under Section 319 of Criminal Procedure Code, 1973 ('Cr.P.C' for short) for summoning respondents No.2 to 5 as additional accused. The said application was dismissed by the trial Court vide order dated 18.12.2013. The said order was upheld by the Court of revision vide order dated 01.09.2015. Hence the present petition.

In **Kans Raj vs. State of Punjab and others, 2000 (2)**

RCR (Criminal) 696 (SC), their Lordships of the Apex Court have observed that a tendency has developed for roping in all the relations in dowry cases and if it is not discouraged, it is likely to affect case of the prosecution even against the real culprits. The efforts for involving the other relations ultimately weaken the case of the prosecution even against the real accused.

In the present case, the case of the petitioner is that accused were demanding ₹21,000/- from her and since she had been unable to fulfill the said demand, she had been

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given beatings by the accused. So far as respondent No.2 is concerned, he is elder brother of Anil Kumar and respondent No.3 is the wife of respondent No.2. Respondent No.4 is the cousin brother of Anil Kumar, whereas, respondent No.5 is the maternal uncle of Anil Kumar. Since, during investigation it had transpired that respondents No.2 to 5 were having separate ration cards, the learned Courts below rightly came to the conclusion that respondents No.2 to 5 had been involved in the case due to their relationship with Anil Kumar, husband of the petitioner. A perusal of Annexure P-4, statement of the petitioner recorded during trial also reveals that petitioner had denied knowledge qua the fact as to whether all the accused were having joint ration card or separate ration cards.

It is a settled proposition of law that the petitioner cannot invoke jurisdiction of this Court under Section 482 Cr.P.C. after dismissal of his revision by the Sessions Court as it would amount to a second revision. However, in a case of grave injustice, this Court can interfere under Section 482 Cr.P.C.

In the present case, no grave miscarriage of justice has occurred which would warrant interference by this Court under Section 482 Cr.P.C.

Keeping in view the facts and circumstances of the

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present case, the Courts below had rightly dismissed the application moved by the prosecution under Section 319 Cr.P.C. No ground for interference by this Court, is made out.

Dismissed.

October 29, 2015
kapil

(SABINA)
JUDGE