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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40791 of 2013

Date of Decision: December 03, 2015

Sapna

.....Petitioner

Versus

Reema

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vijay Lath, Advocate
for the petitioner.

Mr. Vivek K. Thakur, Advocate
for the respondent.

SABINA, J.

Petitioner has filed this petition under Section 482 of Code of Criminal Procedure, 1973 seeking quashing of criminal complaint No.31 of 01.10.2011 titled as "Reema Versus Mehar Lal and others", under Sections 406, 498-A, 506 of Indian Penal Code, 1860 and the summoning order dated 19.08.2013.

Learned counsel for the petitioner has submitted that the petitioner is the married sister-in-law of the respondent. Marriage of the petitioner was performed before the marriage of the respondent with Mehar Lal. Petitioner is residing at a distance of about 260 kilometers from the matrimonial home of respondent. Vague allegations have been levelled against the petitioner in the

FIR. In support of his arguments, learned counsel for the petitioner has placed reliance on *Preeti Gupta & Another versus State of Jharkhand & Another*, 2010 (4) R.C.R. (Criminal) 45, *Chandralekha and others versus State of Rajasthan and another*, 2013 (1) R.C.R. (Criminal) 959, *Anoop Kumar versus State of Haryana and another*, 2013 (2) R.C.R. (Criminal) 242, *Paramjit Kaur versus State of Punjab and another*, 2013 (4) R.C.R. (Criminal) 387, *Krishan Lal and Ors. Versus State of Haryana and Another*, 2012 (4) Law Herald 3020, *Tarsem Kaur & Anr. Versus State of Haryana & Anr, 2012 (4) Law Herald 3170 and Harjinder Kaur and others versus State of Punjab*, 2004 (4) R.C.R. (Criminal) 332.

Learned counsel for the respondent on the other hand has opposed the petition and has submitted that specific allegations have been levelled against the petitioner in the complaint.

The case of the complainant as per the complaint (Annexure P-1), in brief, is that she was married to accused Mehar Lal on 22.06.2007. However, the behaviour of the accused was not cordial towards the complainant and they started demanding more dowry from the complainant. Accused raised a demand of new Alto Car from the complainant. Complainant told the accused that her parents had already spent ₹7,00,000/- at

the time of her marriage and were unable to give more dowry. Complainant was given beatings by the accused Mehar Lal and his parents. Complainant became pregnant. It is further the case of the complainant that she was maltreated by her husband and his parents at the instigation of the petitioner.

Paras 7 and 8 of the complaint read as under:

“That after some time the complainant become pregnant. On 26.5.2008, the complainant went with accused no.1 at Mohali where, he was doing job but the behavior of the respondent remained so cruel towards the complainant and he never cared for the complainant and they used to harass the complainant mentally and physically and after few months the complainant again come back to her matrimonial home, but behavior of the respondent and his parents did not change and the accused no.1 never given medicine to the complainant at the instigation of accused no.4 and due to maltreatment of the respondent and his family members the complainant has given birth to a dead child in PGI Chandigarh and the parents of the complainant have spent all the treatment expenditure of the complainant at PGI and the accused have not cared for the complainant. The accused no.4 also instigating accused no.1 against the complainant and she was interfering in the matrimonial life of the complainant and she even put pressure upon the complainant to abort the new born baby.

That after the accused have send the complaint to her parental house after the death of the baby, where none of the accused have come to the complainant to inquire about her health and after some period the parents of the complainant left the complainant to her matrimonial house and they persuaded the accused to keep and maintain the complainant properly, but the behavior of the accused remained cordial for some time with the complainant due to the interference of the parents of the complainant as the parents of the complainant requested the accused and his parents to keep and maintain the complainant property. But after passing of some days the behavior of the accused again become cruel towards the complainant and they again started demanding Maruti Alto Car and share in the plot of the parents of the complainant at Vill. Manakpur, Tehsil Nangal, Distt. Ropar. But on refusal of the complainant to meet the said illegal demands of the accused, the accused started beating to the complainant and the accused no.2 to 4 have openly said to the complainant either to give divorce to the accused no.1 or to left her matrimonial house as the accused wants to marry the accused no.1 in a rich family with the hope of more dowry and car etc. and ultimately in the month of October 2009 the accused have deserted the complainant in three wearing clothes from her matrimonial house and the accused also given threats to the complainant that if she come back to her matrimonial house then they will kill the

complainant and since then the complainant is residing at her parental house on the mercy of her parents.”

Complainant led her preliminary evidence in support of her case. Trial Court ordered the summoning of the petitioner and her co-accused vide order dated 10.06.2013. A perusal of Paras 7 and 8 of the complaint reveal that specific allegations have been levelled against the petitioner by the complainant qua harassment meted out to her.

In these circumstances, it would not be just and expedient quash the criminal proceedings at the very threshold. Petitioner would be at liberty to take up all the pleas available to her before the trial Court. In view of the specific allegations against the petitioner in the complaint, the judgments relied upon by the learned counsel for the petitioner fail to advance the case of the petitioner as they are based on different facts.

No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

December 03, 2015
mahavir