

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

Date of decision:09.12.2015

Panchama

.....Petitioner

v.

State of Haryana and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Ashit Malik,Advocate for the petitioner

Jaswant Singh,J.(Oral)

Complainant-wife has invoked the jurisdiction of this Court under Section 482 Cr.PC by laying challenge to the order dated 20.8.2015(P-5) passed by JMIC,Sonepat as also the revisional order dated 5.11.2015(P-6) passed by learned Additional Sessions Judge, Sonepat upholding P-5 and dismissing the application of the complainant for summoning her father-in-law Thakur Dass and *Jethani* Indu as additional accused under Section 319 Cr.PC to face trial in case FIR No.63 dated 23.12.2013 under Sections 498-A, 406,506,323,34 IPC, PS Women Police Station,Sonipat.

Counsel for the petitioner has limited his argument qua the father-in-law qua whom there is allegation of having encashed a cheque for a sum of Rs.1 lac on 18.2.2010, the cheque however, was alleged to have been given to husband Harish.

After hearing the learned counsel no ground for interference is made out.

Both the Courts below have rightly held that there is no sufficient material available for summoning named persons as additional accused under Section 319 Cr.PC. Both courts have further rightly observed that conduct of the petitioner was amounting to pick and choose and was also a marked improvement of her original version. The revisional Court in para 8 has made relevant observations and for ready reference, the same are extracted hereunder:-

“ In her complaint, she alleged that since 2.8.2010, she has been living with her parents when she was thrown out by accused persons after extending beatings when she failed to fulfill their demand of Rs.10 lacs and Honda City. And thereafter, accused persons used to give false assurance to take her back but never took her back. Complaint was filed on 21.8.2013 i.e. after three years of incident, upon which, FIR was registered on 23.12.2013. Further, in her complaint, she alleged nowhere specifically that her father-in-law and Jethani has ever raised dowry demand. Regarding allegation of giving Rs.one lac on 18.2.2010, she has alleged in the complaint that Rs.one lac was given to her husband i.e. accused Harish. Hence,while appearing into witness box, complainant has made significant improvement in this regard that cheque of Rs.one lac was given to accused Harish and same was withdrawn by her father-in-law. Allegation against Indu is made that she met at Sonapat Gurudwara and took her to matrimonial home at Hem Nagar by saying that she would resettle her matrimonial home. Even here, no specific allegation of demand of dowry or harassment on account of dowry is made against Indu. Hence, the allegations are general and vague. It can also be

noticed that complaint PW1/A was filed against all members of in-laws family but complainant chose to summon only father-in-law and Jethani under Section 319 Cr.PC. Further in MLR dated 17.8.2013 on judicial file in alleged history given by the complainant, she did not name any assailant.

Also during investigation, these persons have been found innocent and not challaned. No new fact, apart from improvements in the statement of complainant was there to prima facie satisfy the sine qua non for summoning the petitioners as an additional accused. It appears that the complainant had levelled allegations against the said persons just to widen the net....”

In view of the above, no case for interference is made out.

Dismissed.

09.12.2015.
joshi

(Jaswant Singh)
Judge