

236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.M-7311 of 2013 (O&M)
Date of Decision: February 13, 2015

Manjit Singh and another Petitioners

vs.

State of Punjab and another Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. A.D.S. Sukhija, Advocate for the petitioners.

Mr. Navdeep Singh, Asstt. Advocate General, Punjab.

Mr. Vineet Soni, Advocate for respondent No.2.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

The petitioners have filed this petition under Section 482 of the Criminal Procedure Code, 1973 for the quashing of criminal complaint No.419, dated 27.08.2009, titled as "Ramandeep Kaur vs. Gurmeet Singh and others", under Sections 323, 406, 498-A, 506 read with Section 34 of the Indian Penal Code, 1860, pending in the Court of Judicial Magistrate 1st Class, Fatehgarh Sahib and summoning order dated 04.01.2010 (Annexure P-2) passed thereon along with all the consequential proceedings arising therefrom.

Learned counsel for the petitioners states that he does not press the present petition qua Manjit Singh-petitioner No.1, who

has become proclaimed offender during the pendency of the present petition. Therefore, the petition qua petitioner No.1 stands dismissed.

Petitioner No.2 Rajwinder Kaur is stated to be the wife of the younger brother of the husband of the complainant (*devrani*).

It comes out that the complaint in question has been filed by respondent No.2 Ramandeep Kaur.

Learned counsel for the petitioners has stated that the complainant was married on 07.12.2003, whereas petitioner No.2 was married with the younger brother of the husband of the complainant 3-½ years later i.e. on 24.06.2007.

The allegations against petitioner No.2 are mentioned in para No.12 of the complaint (Annexure P-1), wherein it is stated that after 20.11.2008, petitioner No.2 also started harassing the complainant by saying that she is servant without salary and belongs to poor family while petitioner No.2 has brought excess dowry articles. Further allegations have been levelled that on 19.03.2009, the mother-in-law, sister-in-law (petitioner No.2) of the complainant along with her husband demanded more dowry articles and beat up the complainant.

After recording the preliminary evidence, the learned Judicial Magistrate 1st Class, Fatehgarh Sahib passed the summoning order dated 04.01.2010 (Annexure P-2).

I have heard learned counsel for the parties and have also carefully gone through the case file.

It comes out that petitioner No.2 was married with the younger brother of the husband of the complainant on 24.06.2007 i.e. 3-½ years after the marriage of the complainant. Therefore, there was no question of harassment before 24.06.2007. Thereafter, there are general allegations of taunting, which cannot be connected with the demand of dowry by the hands of petitioner No.2. The complainant and petitioner No.2 are not having good relations. However, it does not make out any offence under Section 498-A IPC. There are no allegation of demand of dowry by petitioner No.2. Regarding beating up on 19.03.2009, it comes ut that the complainant has not produced any medical evidence to show that she had received any injury. The parties were living jointly and it appears that petitioner No.2 has been roped in, being the family member of the husband of the complainant.

It being so, the complaint in question qua petitioner No.2 is nothing but the misuse of the process of the Court. Therefore, the complaint in question along with the summoning order dated 04.01.2010 (Annexure P-2) alongwith all the consequential proceedings arising therefrom stand quashed qua petitioner No.2, namely, Rajwinder Kaur.

Accordingly the present petition qua petitioner No.2 is
allowed.

February 13, 2015
sarita

(KULDIP SINGH)
JUDGE