

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1)

CRM No.M-9659 of 2014

Puneet Pal Sharma

...Petitioner

Versus

State of Haryana and another

...Respondents

(2)

CRM No.M-29918 of 2014

Bimla Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

(3)

CRM No.M-19471 of 2015

Puneet Pal Sharma

...Petitioner

Versus

State of Haryana

...Respondent

Date of Decision: September 04, 2015

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.K.C.Rajput, Advocate
for the petitioners.

Mr.Himmat Singh, Asstt. Advocate General, Haryana
for the respondent-State.

Mr.Jaspreet Singh and Mr.B.S.Bedi, Advocate
for the private respondent.

INDERJIT SINGH, J.

All the above-mentioned cases are taken up together being arisen from same FIR.

CRMs No.M-9659 and M-29918 of 2014 have been filed by the petitioners for quashing of FIR No.91 dated 17.03.2013 under Sections 406, 498-A, 323 and 34 IPC registered at Police Station Madhuban, Tehsil and District Karnal.

CRM No.M-19471 of 2015 has been filed by petitioner Puneet Pal Sharma for quashing of order dated 21.09.2013 passed by learned Judicial Magistrate Ist Class, Karnal in criminal case No.444 dated 23.10.2013 arising out of FIR No.91 dated 17.03.2013.

Notice of motion was issued in all the cases and learned State counsel as well as learned counsel for private respondent appeared and contested the petitions.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that FIR in the present case has been got registered under Sections 406, 498-A, 323 and 34 IPC by Kajal respondent-complainant against the accused on 17.03.2013. Puneet Pal Sharma is the husband and Bimla Sharma is the mother-in-law of the complainant. As per the FIR, complainant was married with Puneet Pal Sharma on 28.11.2005 at village Kurali. Mother of the complainant had given dowry articles to the accused beyond her capacity. The list of the dowry articles was attached with the complaint. It is also in the FIR that mother of the complainant had

spent approximately ₹7 lacs. There is description regarding the articles given to the accused. There is also allegation that from the very beginning, accused kept on taunting the complainant and her family members for giving insufficient dowry. Number of panchayats were convened. The husband of the complainant insisted himself for going abroad. The in-laws of the complainant did not have sufficient means of income. Accused demanded a sum of ₹2 lacs from the mother of the complainant. On 17.05.2010, mother of complainant withdrew a sum of ₹2.40 lacs from her account and the same was paid to accused Surender Kumar Sharma and Bimla Sharma i.e. father-in-law and mother-in-law. There are also allegations in the FIR that accused again repeated their demand for car. There are also allegations regarding giving of beating to the complainant and Bimla Sharma, mother-in-law gave kicks and punches. It is also the allegation that complainant was turned out of the matrimonial home.

The challan was presented against other accused but petitioners Puneet Pal Sharma and Bimla Sharma absconded and they were declared proclaimed persons. Till now, they have not joined the investigation and are still proclaimed persons. These quashing petitions filed by the petitioners without joining the process of law are not maintainable. Furthermore, from the perusal of the FIR, in no way, it can be held that no offence is made out against the present petitioners. The marriage took place at Karnal and the dowry articles were given at Karnal, therefore, the Courts at Karnal has territorial jurisdiction. Whether the FIR should be registered at Police Station

Madhuban or at some other police station, in no way, it can be held that the Courts at Karnal has no jurisdiction. Moreover, as per complainant's version, the complaint was given to the SSP, Karnal and it was for him to get registered the case in any police station.

From the perusal of the record, neither, it can be held that registration of the complaint is abuse of process of the law nor it can be held that no offence is made out against the present petitioner. At this stage, nothing is there to show that allegations levelled in the complaint are false.

Therefore, finding no merit in CRMs No.M-9659 and M-29918 of 2014, the same are dismissed.

As regarding CRM No.M-19471 of 2015, filed by petitioner Puneet Pal Sharma for quashing of order dated 21.09.2013 passed by learned JMIC, Karnal, it is argued by learned counsel for the petitioner that petitioner is in New Zealand and he has not been properly served.

The perusal of the impugned order and the report given by the official, nowhere shows that the petitioner was not in the knowledge of the proceedings. His father and other family members were facing the trial and challan was also presented against them. In no way, it can be held that accused-petitioner Puneet Pal Sharma was not knowing the criminal proceedings pending against him. He was having the knowledge and intentionally avoided the process of law and did not join the investigation.

In view of the above, I find that no illegality has been committed by learned JMIC, Karnal while declaring petitioner Puneet

Pal Sharma as proclaimed person.

Therefore, finding no merit in CRM No.M-19471 of 2015,
the same also stands dismissed.

September 04, 2015
Vgulati

(INDERJIT SINGH)
JUDGE