

CRR-410-2013

[1]

In the High Court of Punjab and Haryana at Chandigarh.

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Date of Decision: 01.09.2015

Dharambir

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.K. Garg, Senior Advocate, with
Mr. Naveen Gupta, Advocate, for the petitioner.

Ms. Mahima, AAG, Haryana.

Mr. Gautam Dutt, Advocate,
for respondent No.2.

SABINA, J.

Petitioner has filed this petition challenging the order dated 18.12.2012, whereby, application moved by the prosecution to summon Deshraj as additional accused under Section 319 Cr.P.C. was dismissed.

Prosecution story, in brief, is that Somwati daughter of the complainant was married to Satender about four years prior to the occurrence. Complainant had given sufficient dowry as per his capacity at the time of the marriage of his daughter. However, the in-laws family of Somwati were not satisfied with the dowry given by the complainant. Although

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the complainant had given a maruti 800 car to his daughter at the time of her marriage but the accused raised a demand of ₹80,000/-. On 27.06.2012, marriage of the sons of younger brother of the complainant was performed and Satender was given a garland worth ₹11,000/-. However, Satinder got annoyed and left without taking meals and gave beatings to Somwati and threatened her that he should be given ₹51,000/-. On 02.07.2012, complainant came to know that his daughter Somwati had committed suicide by hanging.

After completion of investigation and necessary formalities, challan was presented against accused Satender and his mother Krishna. However, accused Deshraj and Sarita were found innocent. During trial, prosecution moved an application for summoning Sarita and Deshraj as additional accused to face the trial. The said application was dismissed vide impugned order dated 18.12.2012. Vide order dated 01.04.2013, this Court had issued notice of motion only qua accused Deshraj and the petition so far as Sarita is concerned, was dismissed.

Learned Senior counsel for the petitioner has submitted that the allegations levelled against the mother-in-law were the same as those levelled against the father-in-law-Deshraj. Hence, the trial Court had erred in dismissing the application moved by the prosecution under Section 319

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Cr.P.C.

Learned counsel for respondent No.2, on the other hand, has opposed the petition. Learned counsel has further submitted that the trial Court has ordered the acquittal of accused Krishna and has ordered the conviction of accused Satender vide judgment dated 06.05.2013.

A perusal of the FIR reveals that so far as Deshraj, father-in-law of Somwati is concerned, there is no specific allegation against him qua demand of dowry or any harassment on account of insufficiency of dowry. Moreover, the trial qua the accused, who had faced the trial, has been concluded and mother-in-law of the deceased has been acquitted by the trial court.

In view of the facts and circumstances of the present case, no ground for interference by this Court, is made out.

Dismissed.

September 01, 2015
kapil

(SABINA)
JUDGE