

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

**CRM-M-16276-2015
Date of decision: 30.09.2016**

Kuljinder Kaur and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Bhoop Singh, Advocate,
for the petitioners.

Mr. A.P.S. Gill, AAG, Punjab.

Mr. Navjeet Singh, Advocate,
for respondent No.2.

Ritu Bahri, J.

This petition under Section 482 Cr.P.C. is for quashing of FIR No.21 dated 21.02.2015, under Sections 406, 498-A, 315, 325, 120-B IPC, registered at Police Station, Mahila (Women), Ludhiana (Annexure P-1).

The allegations set out in the FIR (Annexure P-1) are that the marriage of Sumanpreet Kaur-complainant (respondent No.2) was solemnized with Sant Singh on 08.03.2008 as per Sikh rites and ceremonies. Prior to the marriage, ring ceremony had taken place on 28.02.2008 and in that ceremony, some gold items were given to Sant Singh along with cash of Rs.1,25,000/-. *Shagun* ceremony was solemnized on 07.03.2008, in which gold items were given as gifts to the mother-in-law, paternal aunt-in-law

guests had attended the marriage. After the marriage, she was harassed by her in-laws on the pretext that they had not been served in the marriage as per their status. When the complainant became pregnant, she was sent to her parental house, where she gave birth to a female child on 27.11.2008. All the expenses were incurred by the parents of the complainant. After going back to her matrimonial house, she was not given due love and affection on account of giving birth to a female child. Thereafter, in the year 2009, her husband, mother-in-law and father-in-law made a demand of Rs.10 lacs for sending her sister-in-law Kuljinder Kaur abroad. On showing her inability to do so, they started insulting her. In this regard, when she informed her parents, they gave Rs.5 lacs to her husband, father-in-law and mother-in-law. In the year 2012, she again became pregnant and was not provided medical treatment. Thereafter, in February, 2013, her husband, father-in-law and mother-in-law, Boota Singh (petitioner No.3) and Livtar Singh (petitioner No.4) insulted her. She was asked to bring more money from her parents for her treatment. On showing her inability to do so, she was given slaps by them. Specific allegation is that her husband gave slaps on her face and kick blows on her stomach. Thereafter, she was taken to Apollo Hospital and after conducting operation, she gave birth to a premature child. At that time, she was looked after by her parental family. Her parents gave Rs.1,50,000/- on the birth of male child along with gold ornaments. In the month of January, 2014, her parents along with Amandeep Singh came to her matrimonial house, where all the aforesaid persons demanded Rs.15 lacs more on the pretext that they required this money for the study of their daughter. She was sent back to her matrimonial house. Kuljinder Kaur came from Canada in July, 2014 and started taunting and insulting her. After

convening a Panchayat, they refused to keep the complainant in her matrimonial house. In this background, the FIR has been registered.

Learned counsel for the petitioners has argued that the allegations levelled by the complainant are that her in-laws had demanded a sum of Rs.10 lacs in order to send Kuljinder Kaur abroad. This allegation is general in nature, as Kuljinder Kaur was permanent resident of Canada and she came to India on 26.01.2015 to get married with Robinpreet Singh about 5-6 days prior to registration of the present FIR. She is employed in Canada. Learned counsel has argued that there is no direct allegation that any demand was made by Kuljinder Kaur from the complainant.

Learned counsel has further argued that the allegation against Pavittar Kaur-petitioner No.2 was that she had caught hold of the arms of complainant when Sant Singh was giving slaps and kick blows in her stomach. This incident alleged to have taken place in February, 2013. However, Pavittar Kaur was admitted in SPS Apollo Hospital on 20.02.2013 due to pregnancy, where she had given birth to a male child on 23.02.2013. She was discharged from the hospital on 27.02.2013. The allegations in the FIR (Annexure P-1) that she had caught hold of the arms of complainant and thereafter, her husband had given her beatings, have been falsely levelled against the petitioners in order to humiliate them.

Boota Singh-petitioner No.3 is the son of parental aunt-in-law (*bua saas*) of the complainant and is husband of Pavittar Kaur-petitioner No.2. There is no direct allegation against him. He is married to Pavittar Kaur-petitioner No.2 and is not even residing in the matrimonial house of the complainant. Allegations against Pavittar Kaur and Boota Singh that they had demand Rs.15 lacs for sending their daughter for studies are

general in nature, as they would not be the beneficiaries of that amount as Kuljinder Kaur was already an NRI before the marriage of the complainant and was working in Canada. The allegations against Livtar Singh-petitioner No.4 are also general in nature and this is only an attempt to harass all the family members of complainant's husband.

Upon notice, separate written statements have been filed on behalf of respondent No.1-State and respondent No.2-complainant reiterating the stand taken in the FIR that the allegations against the petitioners are not ill founded. It has been stated that the petitioners had harassed the complainant on account of bringing less dowry.

After hearing learned counsel for the parties, this petition deserves to be allowed. The respondents have not denied the fact that Pavittar Kaur-petitioner No.2 was admitted in SPS Apollo Hospital on 20.02.2013 due to pregnancy and she gave birth to a male child on 23.02.2013. She was discharged from the hospital on 27.02.2013. Further, there is no contradiction to the fact that Kuljinder Kaur was an NRI and was residing in Canada. She had come to India on 26.01.2015 to get married with Robinpreet Singh. She was employed in Canada. Moreover, no specific allegation has been levelled against Kuljinder Kaur.

At this stage, reference can be made to a judgment passed by Hon'ble the Supreme Court in **Preeti Gupta & another Vs. State of Jharkhand & another**, 210 (7) SCC 667, wherein it has been held that large number of complaints under Section 498-A IPC are not *bonafide*. Majority of such complaints are filed either on the advice of members of Bar or with their concurrence with exaggerated versions. While quashing a complaint relating to matrimonial dispute, Hon'ble the Supreme Court observed as

under:-

“30. It is a matter of common experience that most of these complaints under Section 498A Indian Penal Code are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even *bonafide* and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

31. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fiber of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fiber, peace and tranquility of the society remains intact. The members of the Bar should so ensure that one complaint should not lead to multiple cases.”

Similar view has been taken by this Court in **Rajni Vs. State of Haryana and another**, CRM-M-41402-2014 (decided on 29.02.2016), wherein it has been held that in a matrimonial dispute, there is a general tendency to implicate all the family members. Normally, unmarried sister-in-law has hardly any concern with the demand of dowry or harassment, but still she has been implicated. In **Sukhdeep Kaur and another Vs. State of Punjab and another**, 2015 (4) RCR (Criminal) 892, this Court while quashing an FIR under Sections 406/498-A IPC, has observed that a tendency has developed for roping in all the relations of husband in dowry cases in order to browbeat and pressurize the immediate family of the husband.

In the facts of the present case also, Kuljinder Kaur and Pavittar

Kaur-petitioner Nos.1 and 2 are sisters-in-law (*nanads*) of the complainant and Boota Singh is husband of Pavittar Kaur. Petitioner No.4-Livtar Singh is son of maternal aunt (*bua*) of complainant's husband. They all are relatives of husband of the complainant and are residing separately along with their families. It seems that an attempt is being made to rope in all the close relations of the husband in criminal proceedings, which are initiated under Sections 406 and 498-A IPC. They are not expected to get any benefit from the said demand of dowry. In these circumstances, the present criminal proceedings are liable to be quashed against the petitioners, who are none else, but relatives of husband of the complainant.

In view of the above discussion, FIR No.21 dated 21.02.2015, under Sections 406, 498-A, 315, 325, 120-B IPC, registered at Police Station, Mahila (Women), Ludhiana, is quashed with all consequential proceedings arising therefrom qua the petitioners.

Petition stands allowed accordingly.

30.09.2016
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No