

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28590-2015

Date of Decision:- 05.12.2016

Sarabjit Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Jagtar Kureel, Advocate,
for the petitioner.**

Mr. APS Gill, AAG, Punjab.

**Mr. O.P. Kamboj, Advocate
for respondent No.2.**

RITU BAHRI, J. (Oral)

Petitioner is seeking quashing of FIR No.02 dated 31.01.2015, under Sections 498-A and 406 IPC, registered at Police Station Jagraon, District Ludhiana along with all the subsequent proceedings arising therefrom qua him only.

Briefly, the facts of the case are that the marriage of Jasveer Singh i.e. brother-in-law of petitioner was solemnized with respondent No.2 on 05.11.2006 and it was a love marriage. No dowry articles were exchanged between the parties. After marriage they resided together as husband and wife and no child was born out from the said wedlock. Jasveer Singh and respondent No.2 were residing at Kharar, SAS Nagar, Mohali

whereas petitioner, who is brother-in-law of Jasveer Singh, is resident of District Bathinda. A complaint has been filed by respondent No.2 on 22.07.2014 before the SSP, Ludhiana for lodging FIR against her husband and in-laws. During the course of counseling, on one occasion, petitioner had gone to the Women Cell, Ludhiana and made an attempt to console both the parties and pursued them to live peaceful life. After registration of the FIR, the petitioner was granted the anticipatory bail by the learned Additional Sessions Judge, Ludhiana, vide order dated 10.03.2015.

Learned counsel for the petitioner while referring to the contents of the FIR has argued that the marriage of the parties was solemnized way back in the year 2006 and the present FIR has been registered in the year 2015. The main allegations of harassment had been attributed to the mother-in-law and husband of respondent No.2. It is alleged in the FIR that her parents-in-law harassed her on every single thing and her husband also did not give her any expenses and she had to bear her all expenses herself. After purchasing of Flat, they had shifted to Kharar from Moga. Further, it is alleged therein that husband of complainant took all the money from her and ₹1,80,000/- were deposited through her in the account of his friend Surinder Pahuja. Thereafter, husband stopped coming home and started to make excuses to fight with her. In the year 2013, she had purchased one sofa set of ₹60,000/- at home and the dispute arose between husband and her in-laws. All the allegations in the FIR relates to the matrimonial relationship of the complainant with her husband-Jasveer Singh and in-laws. The role attributed to the present petitioner, who is brother-in-law of Jasveer Singh, was that he had gone to the police station

assured respondent No.2 that she need not to worry as they will bring her back on the change of circumstances. When she went back to her matrimonial house it was locked. Later on, they have told her that they have sold the house and she could never back to her matrimonial house.

On notice, reply has been filed on behalf of respondent No.1, where it has been clarified that after registration of the FIR, the challan has been presented against the petitioner and other accused and one gold ring was recovered from the petitioner. All the dowry articles of respondent No.2 were produced before the investigating officer. The challan has been presented against petitioner on 24.08.2015 as he was conspired to turn out to respondent No.2 from her matrimonial house.

After hearing the learned counsel for the parties, after perusing the contents of the FIR (Annexure P-1), this Court is the considered opinion that the main allegations of harassment had been attributed to the husband, who had taken money of ₹1,80,000/- from the complainant and had deposited in the account of his friend Surinder Pahuja. Thereafter, both the parties had shifted to Kharar from Moga whereby they had made a house in which the complainant has contributed some amount. As far as recovery of other articles is concerned, at the time of marriage way back in the year 2006, all the dowry articles were given to the husband and in-laws. It is not the case of the complainant that dowry articles had been entrusted to the present petitioner, who was brother-in-law. The only allegation in the FIR against the petitioner are that in police station he had advised complainant to go for 10-15 days to her parental house and thereafter come back after change of circumstances. Selling of house thereafter was an independent decision of in-laws of complainant and the petitioner cannot be held to be

responsible for that sale of house. Complainant was staying independently at Kharar along with her husband where she was doing some private job and her allegations are that her husband never supported her.

Consequently, keeping in view of the above-said facts and the allegations levelled against the petitioner, no useful purpose would be served in prolonging the litigation against the present petitioner. Accordingly, FIR No.02 dated 31.01.2015, under Sections 498-A and 406 IPC, registered at Police Station Jagraon, District Ludhiana and all subsequent proceedings arising therefrom, qua petitioner only, are hereby quashed.

The present petition stands disposed of.

December 05, 2016
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No