

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-36271 of 2015

Date of decision : 17.05.2016

Manjit Kaur

... Petitioner

versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Navjot Singh, Advocate for the petitioner

ANITA CHAUDHRY, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for setting aside the order dated 10.03.2015 passed by the Additional Chief Judicial Magistrate, SBS Nagar and the order dated 20.08.2015 passed by the Sessions Judge, SBS Nagar vide which an application under Section 319 Cr.P.C. for summoning the additional accused was declined.

The complainant lodged FIR on 31.08.2012. She was married to Amandeep Ram. The complainant lived with the husband for a short period and he went abroad. Allegations were levelled that a demand of Rs. 30 lacs was made and she was beaten and not allowed to use her dowry articles. Allegations were levelled by complainant that she was beaten up by the mother-in-law and the sister-in-law at the instigation of the father-in-law and the brother-in-law. The complainant had alleged that accused No. 2 to 9 were residents of US and they arrived on different dates and the complainant returned to her parents house. The allegations were that the accused kept on demanding Rs. 30 lacs for her immigration and as result of tension and depression she suffered a miscarriage.

The husband and his mother were declared proclaimed offender.

Challan was filed. The case was fixed for recording of evidence under Section 299 Cr.P.C. when the complainant moved an application under Section 319 Cr.P.C. for summoning the additional accused whose names were mentioned in column No. 2 of the final report.

The trial Court dismissed the application on 10.03.2015.

Aggrieved by the same a revision was preferred and the Revisional Court dismissed their revision and noted the following :-

“The complaint is conspicuously silent with regard to the time spent by complainant in her matrimonial house before Amandeep Ram flew back to U.S.A. And even more importantly when other of the accused returned to U.S.A. That period was necessary to be narrated so as to be able to properly appreciate the allegations of failure to discharge entrustment of dowry articles. Instant complaint to the police was made nearly 3 ½ months after the marriage. Though this Court has all of the sympathy with Manjit Kaur and her family as dreams of a happy married life have been shattered, more on account of dreams of happy life in foreign pastures ending as a marriage as has happened to many in this part of the world. Day in and day out, brides like Manjit Kaur are being cheated and the trend is unending. Nonetheless it would be still a tough call for any Court to allow prosecution of innocent relations of bridegroom following failure of her marriage”.

The petitioner wants to summon the additional accused. Except respondent No. 9 all are residents of US. They had come to attend the wedding of the relative and had returned. The complainant had failed to disclose the date of departure. It appears that this information was intentionally kept back as it would have exposed the falsity of the allegations

as against them. The petitioner would have had the information as to when each of the guests had returned. It appears that the additional persons were named only to harass and widen the net and to rope in all the other relatives. It is difficult to accept that the relatives who were living abroad had demanded any dowry or had deprived the complainant of her istridhan. The complainant did not even spare the mediator.

I find no infirmity in the order passed by the Court below.

The petition is dismissed.

May 17, 2016

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(ANITA CHAUDHARY)
JUDGE