

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

Crl. Misc. No. M-37557 of 2014

Date of decision : 09.08.2016

Vandana and anotherPetitioners

versus

State of Haryana & anr. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Harish Bhardwaj, Advocate
for the petitioners

Mr. Anmol Malik, AAG, Haryana

RITU BAHRI, J.

Petitioners-unmarried sister and brother of husband of respondent No. 2 are seeking quashing of FIR No. 16 dated 18.01.2014 under Sections 498-A/406/323/506/34 IPC, registered at Police Station City Tohana.

Respondent No. 2 got married to Rakesh on 12.05.2013. The F.I.R was registered against the petitioners as well as against other family members with the allegations that the complainant was turned out of her matrimonial house on 13.10.2013 and thereafter, a panchayat was convened on 19.01.2014 and respondent No. 2 accompanied her husband to Gohana. Respondent No. 2 executed affidavit to the effect that criminal proceedings initiated by her were out of the matrimonial differences and misunderstandings with her husband. She further stated that he does not want to pursue the criminal proceedings. The husband of respondent No. 2 also executed affidavit qua this fact (P-4 and P-5). Thereafter, she gave birth

to male child on 16.03.2014 in Kaladeep Nursing Home, Gohana (P-6). Thereafter, she went to her parental home at Tohana on 11.05.21014 with her own wish. On the basis of the above affidavit, police filed cancellation report in the Court on 15.05.2014 but the complainant in the Court gave a statement that earlier the matter was compromise but the accused again started harassing the complainant on account of demand of dowry and further stated that the accused are demanding Alto Car. Thus, the learned trial Court sent back the matter to SHO concerned for reinvestigate the matter (P-7). The matter was re-investigated and the report under Section 173 Cr.P.C was submitted in the Court and ultimately, the present F.I.R has been registered on the complaint made by respondent No. 2.

Learned counsel for the petitioners at the very outset submits that the present petitioners who are brother and sister of the husband of respondent No. 2 have been falsely implicated by the complainant as petitioner No. 1, who had fallen from the roof top in the year 2011, is under constant treatment from various hospitals and could not even walk properly (P-8 colly). Further the husband of respondent No. 2 has been disowned by father of petitioners and a publication in this regard has been got published in Newspaper (P-9). The present petitioners have been roped in to just to mount undue pressure upon Rakesh (husband of the complainant). No date, time and year has been mentioned in the complaint on which the petitioners have alleged to be demanded dowry from respondent No. 2. The alto car is of no use to the petitioners.

Reference has been made to a judgment passed by Hon'ble the Supreme Court in a case of *Swapnil and others vs. State of Madhya Pradesh, 2014(3) Law Herald (SC)1846 and judgments of this Court in*

cases of Harjinder Kaur and others v. State of Punjab, 2004(4) R.C.R (Crl) 332, Harjit Singh and another vs. State of Punjab and anr., passed in CRM-M-8480 of 2010, decided on 07.09.2012 and Kamal Deen and others vs. State of Haryana and another

Now a days there is a growing tendency to come out with inflated and exaggerated allegations roping in each and every relation of the husband, the present is also the same where earlier the complainant filed the complainant, thereafter, compromised the matter and when the police filed the cancellation report, she gave a statement that she is again being harassed by the accused for dowry. Further the dowry articles have been recovered from the accused, as is evident from Annexure P-10

But the present petitioners are only unmarried sister and brother of the husband of the complainant and there are no specific allegations against them. Since the petitioners are of marriageable age, they have been falsely implicated just to pressurize the husband of the complainant.

Keeping in view the consistent view of Hon'ble the Supreme Court and this Court, the present petition is allowed. Accordingly, FIR No. 16 dated 18.01.2014 under Sections 498-A/406/323/506/34 IPC, registered at Police Station City Tohana is quashed along with all consequential proceedings arising therefrom qua petitioners.

The petition stands disposed of.

09.08.2016
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>