

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40493 of 2016
Date of Decision: 15.11.2016

Gurdeep Singh

.....Petitioner

Vs.

Manwinder Kaur and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.K.P.Singh, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing the impugned judgment dated 21.07.2016 (Annexure P-3), whereby learned Additional Sessions Judge, Ludhiana, has set aside the order dated 01.04.2015 whereby the petitioner had been discharged.

The complainant Manwinder Kaur had solemnized marriage with the petitioner-Gurdeep Singh vide order dated 28.11.2008 and thereafter in 2009, he left to Italy and thereafter it is alleged that no communication has been made between the husband and wife. When father of the complainant went to the house of petitioner, it was found locked and also came to know that they are not residing there. Thereafter FIR No.126 dated 07.07.2011 has been registered for the offence under Sections 420/498-A/506/406/120-B at P.S.Samrala, District Ludhiana. He was declared as proclaimed offender vide order dated 01.05.2014 and subsequently, he appeared before the Court of learned SDJM Samrala on 24.03.2015 and he was admitted to bail. While discharging the petitioner by the Court of learned SDJM, Samrala, it has been observed that the offence

under Section 406 IPC and Section 498A are not made out against the petitioner.

However, on revision this order has been set aside by observing that majority of allegations has been levelled against Surinder Kaur, Inderjit Kaur @ Annu, sister-in-law and Karnail Singh-brother in law. However no challan was filed against the aforesaid persons. The allegation of demand of Rs.50,000/- as per complainant was made by all the accused person when petitioner came to India and also at the time for fixing the marriage Rs.2,35,000/- was given to the sister-in-law of the complainant through the mediator Bharpur Singh. As far as allegations under Section 498A IPC are concerned there are specific allegations against the respondent for demand of dowry. The physical beating is not a *since qua non* of the offence of Section 498A IPC. The mere demand of dowry by the husband or his relatives brings the case under the purview of Section 498A IPC. Accordingly, the revision Court set aside the order of learned Magistrate with a direction to frame the charges under Section 406/498A IPC.

Keeping in view the above and the fact that complainant had never gone to Italy, she is in India for the last 8 years without company of the petitioner, the present petition is dismissed as such as the order dated 21.07.2016 of the revisional Court does not reflect any material illegality, irregularity or perversity which warrant interference.

(RITU BAHRI)
JUDGE

15.11.2016
anil

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