

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-416 of 2016 (O&M)

Date of decision : 21.04.2016

Meenakshi

... Petitioner

versus

Rekha and others

.. Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Anupam, Advocate
for the petitioner

ANITA CHAUDHRY, J. (ORAL)

Crl. Misc. No. 12351 of 2016

Application is allowed as prayed for.

Crl. Misc. No. 12352 of 2016

Application is allowed and Annexure P-4 is taken on record.

Crl. Misc. No. M-416 of 2016

The petitioner has challenged the order dated 23.10.2015 passed by Sessions Judge, Kurukshetra vide which the revision filed against the order dated 23.02.2015 had been dismissed.

Meenakshi had made a complaint on 20.11.2013 wherein she disclosed about her marriage to Ravinder Kumar Ranga on 26.01.2013. She had leveled allegations that there were demand of dowry and her in-laws had treated her with cruelty. Allegations were levelled against the husband, father-in-law, mother-in-law, brother-in-law and sister-in-law. They were accused of beating her up. The police investigated into the complaint and filed the challan against the husband, father-in-law, mother-in-law and sister-in-law, Rekha.

The trial Court while hearing arguments on the point of framing of charge discharged Rekha. The observations contained in Para 5 reads as under:

*A perusal of case file which shows that there is no specific allegation and prima-facie material against accused Rekha to indicate that the dowry articles were demanded by her and that the dowry articles were actually entrusted to her and she misappropriated the same. Such specific allegations have been levelled only against accused no.1 to 3. This Court relies upon **Anoop Kumar Vs. State of Haryana 2013 (2) RCR (Crl.) 242** wherein the Hon'ble Punjab and Haryana High Court has held that there is growing tendency to come out with inflicted and exaggerated allegations roping in each and every relation of husband, things have now taken a reverse trend and the women are abusing beneficial provisions of Section 498-A IPC. It has further been held that for the commission of State Vs. Ravinder etc 3 offences punishable under Sections 406/498-A IPC overt acts attributed to the accused are required to be prima-facie established. The complainant alleged that accused Rekha had hit her with a slipper and abused her verbally in a quarrel but no MLR to prove any kind of injury caused by such hitting has been placed on record. Therefore relying on the above said case law and on the basis of above said discussion, this Court is of the view that by mere conjunctures and implications accused No.4 Rekha cannot be held to be involved for the offence as mentioned in the final report as well as in the complaint filed by the complainant. Hence, accused No.4 Rekha is hereby discharged in the present case.*

The complainant filed a revision against the order which was dismissed on 23.10.2015.

Dissatisfied with the order, the petitioner has approached this Court with a petition under Section 482 Cr.P.C.

I have heard learned counsel for the petitioner. The counsel had taken me through the orders passed by both the Courts below.

I have gone through the FIR (Annexure P-4) and I find that general allegations had been leveled against the sister-in-law. The trial Court found no case for framing charge against the sister-in-law. It had observed that allegations had been leveled by the complainant that Rekha had beaten her up but there was no MLR. The complaint had been made after three months. The revisional Court also examined the allegations and observed that vague and general allegations have been leveled against Rekha and no particular date, time or month had been mentioned nor there were allegations of entrustment of dowry articles. It had also noted that though the complainant had referred to the incident of 19.07.2013 but she did not get herself medically examined nor had made any complaint. It had noted that police had investigated the matter and had found that allegations against Jitender Kumar and his wife Neha were false and incident of 19.07.2013 was found to be doubtful. The revisional Court had noted that Rekha had been named by the complainant as she was unmarried at that time and so as to get a favourable settlement.

I find no infirmity in the orders passed by the Courts below.

The petition is dismissed in limine.

April 21, 2016
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(ANITA CHAUDHARY)
JUDGE