

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

Crl. Misc. No. M-44036 of 2015

Date of decision: 21.12.2016

Naveen Singh @ Sonu and others

...Petitioners

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Abrar Ahmed Khan, Advocate,
for the petitioners.

RITU BAHRI, J.

Petitioners are seeking quashing of Criminal Complaint No.107/1 dated 12.04.2013, titled as Reena Devi Vs. Naveen Singh and others, under Sections 406 and 498-A IPC and summoning order dated 12.06.2015 passed by the Judicial Magistrate, Ist Class, Pathankot, whereby petitioner No.1-Naveen Singh @ Sonu has been summoned to face trial under Sections 406/498-A IPC.

The aforesaid complaint has been filed by Reena Devi-respondent No.3 with the allegation that she has studied up to 12th standard. and has one sister and one brother. Her brother is serving in Assam Rifles. Her marriage was solemnized with Naveen Singh @ Sonu-petitioner No.1 on 11.02.2012 at Isro Restaurant, Sujanpur, Tehsil and District Pathankot as per Hindu rites and rituals. Before marriage, *shagun* ceremony took place at Jammu, wherein parents of the complainant gave various articles, including LCD, refrigerator, microwave, washing machine, A.C., almirah and gold ornaments. After marriage, she stayed in her matrimonial home, situated at

months. Initially, the behaviour of her in-laws was very good. But after 4/5 months of marriage, there was a sudden change in their behaviour and they started harassing and humiliating the complainant on the pretext of bringing insufficient dowry. Petitioner No.1 (husband) used to say that she (complainant) was not good looking as per his choice. Finally, demand of motorcycle was made from the parents of complainant. On showing her inability to do so, she was harassed in the matrimonial house by the accused-petitioners. There is a specific allegation in the complaint that after consuming liquor, accused-petitioner No.1 used to beat the complainant mercilessly in connivance of other family members. Finally, she was turned out of the matrimonial home in January, 2013. In this background, the aforesaid complainant was filed.

Trial Court, after going through the preliminary evidence led by the complainant, summoned accused-petitioner No.1 (Naveen Singh) to face trial under Sections 406 and 498-A IPC vide order dated 12.06.2015.

Learned counsel for the petitioners has argued that as per allegations levelled in the complaint, the offence has been committed in the State of Jammu & Kashmir, where the complainant had stayed with the petitioners after marriage. As per Section 177 Cr.P.C., the Courts at Pathankot do not have jurisdiction to try the complaint. The alleged demand of dowry, after marriage, was made in the state of Jammu & Kashmir. He further argued that no ingredients of Sections 406 and 498-A IPC are attracted in the impugned complaint. In support of his arguments, learned counsel for the petitioners has placed reliance on the decision given by Hon'ble the Supreme Court in **Geeta Mehrotra & another Vs. State of U.P.**

& another, AIR 2013 (SC) 181.

However, the aforesaid judgment would not be of any help to the petitioners as in that case, FIR had been registered at Allahabad, where the complainant was married. There were allegations against the family members of her in-laws i.e. mother-in-law, married sister-in-law and her husband. In that case, without deciding the question of jurisdiction, proceedings against sister-in-law and brother-in-law were quashed as the allegations were general in nature.

In the facts of the present, marriage of the complainant was solemnized at Pathankot and after that she had accompanied petitioner No.1 to Jammu. When she came back to her parental house, the Court at Pathankot would have the jurisdiction to entertain the complaint and thereafter, proceed with the trial. Decision given by Hon'ble the Supreme Court in **Geeta Mehrotra's** case (supra), would not be applicable in the present case. Furthermore, while passing the summoning order dated 12.06.2015, the trial Court had taken into consideration the testimony of complainant, who appeared as CW-1. The complainant has also examined Karam Singh (CW-2) and Narinder Kumar, Numberdar (CW-3). On account of strained relationship, petitioner No.1-Naveen Singh has rightly been summoned by the trial Court to face trial under Sections 406 and 498-A IPC.

Resultantly, no ground is made out to quash the impugned complaint and summoning order.

Dismissed.

21.12.2016
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No