

In the High Court of Punjab and Haryana at Chandigarh

Criminal Revision No. 2723 of 2016
Date of Decision: 04.10.2016

Jagdip Kaur

....Petitioner

Versus

State of Punjab and others

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. D.S.Sandhu, Advocate
for the petitioner.

ANITA CHAUDHRY, J(ORAL)

The petitioner is aggrieved with the order dated 14.6.2016 vide which the application filed by the prosecution under Section 319 Cr.P.C. was dismissed by the trial Court and has preferred this revision seeking the summoning of the mother-in-law, maternal aunt and her daughter as additional accused.

The facts as contained in the FIR (Annexure P-3) are detailed first:-

The petitioner was married to Sandeep Singh in December 2006. The complainant and her husband moved to Mohali as the husband had got a job there. The stay in the matrimonial home was about two months. The father-in-law was a senior officer with State Bank of India. The mother-in-law is a school teacher. The mother-in-law's sister Shindo and her daughter live in a colony close to the in-law's house. The complainant went to stay with her mother-in-law for three months in June 2007. She had to complete her thesis. The allegations are that during her

stay in the in-laws house, she was abused for bringing less dowry and taunts were thrown at her for not bringing a car. The complainant bore all the harassment as she had conceived and hoped that everything would become normal. The allegations are that the mother-in-law had kept all the gold ornaments and did not allow her to wear them. It was also disclosed that her father had arranged for the articles for their house in Mohali and whatever items were required, those were provided by her father. It was alleged that the uncle of her husband came from England and misguided her husband and her husband left the house on 10.1.2009 without telling her. The complainant had alleged that her mother-in-law threatened to involve her in false case and the husband refused to live with her.

This statement was made on 10.8.2010. The complainant made another statement on 11.9.2010 (Annexure P-4) and gave some more details and alleged that her husband's aunt Shindo and her daughter had made her life miserable and started harassing her for bringing less dowry and that all the articles of her marriage were at Amritsar and she had bought new articles for her house in Mohali.

The police investigated the case and filed the challan only against the husband.

After the statement of the complainant, an application under Section 319 Cr.P.C. was moved for summoning the mother-in-law, maternal aunt and the daughter of the maternal aunt and it had been alleged that the additional persons had been named in the FIR and in the statement made under Section 161 Cr.P.C. and also in the Court and the police had failed to challan them and they should also be summoned as the complainant had spoken about their involvement.

The trial Court dismissed the application. The order passed by the Magistrate was not challenged before the Sessions Court and revision has been filed in the High Court.

Counsel for the petitioner referred to the statements and the judgment reported as ***Hardeep Singh versus State of Punjab and others 2014(1) R.C.R. (Criminal) 623*** and has urged that he would not press the application so far as the maternal aunt and her daughter were concerned but there were specific allegations against the mother-in-law and she should have been summoned. It was urged that the marriage had taken place in December 2006 and the taunts were thrown from the very beginning of the marriage and when the complainant was harassed by the in-laws. It was urged that it was the second marriage of the complainant and this fact had been revealed to the in-laws and there were demands of fridge, T.V. and all the articles which were given in the marriage, were kept by the in-laws. It was urged that the couple had moved to Mohali as the husband had got a job and all the household articles which were given at the time of marriage were at Amritsar and the father of the complainant provided the articles for their new home and later the husband left the complainant.

A perusal of the complaint and the statements given by the complainant after two months show that the complainant had indulged in exaggerations and she has made improvements at the trial. If the version of the complainant is to be believed that there were demands of dowry and harassment from the very beginning of the marriage, if that was so there was no reason why the complainant would go and stay with the in-laws to complete her thesis. The tone and tenor of the complainant shows that the grievance was with the husband. He had left her alone at Mohali and had

returned to stay with his parents. There are no instances/incidents specifically against the mother-in-law or the other two persons named by the complainant. The statement does not give any details. The allegations are general in nature.

The power under Section 319 Cr.P.C. is an extra ordinary power which has to be exercised sparingly and only when the circumstances of the case so warrant. Merely because some more persons have been named is not sufficient to summon them. There has to be something more than the *prima facie* to exercise the power under Section 319 Cr.P.C.

The petitioner did not challenge the order before the Revisional Court and has filed this revision directly in the High court. The petition is liable to be dismissed on this ground as well.

I find no merit in the petition and is dismissed.

(ANITA CHAUDHRY)
JUDGE

October 04, 2016

Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No