

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14408 of 2013
Date of Decision: 17.01.2017

Jatinder Kumar and Others

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Sandeep Arora, Advocate for the petitioners.

Ms.Manpreet Dhaliwal, AAG, Punjab.

Mr.Ravi Malhotra, Advocate, for respondent No.2.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.22 dated 08.04.2012, for the offence under Sections 406, 498-A, 323 IPC registered at Police Station Division Women Cell, Jalandhar (Annexure P-1) qua the petitioners.

The FIR was registered on the basis of statement made by the complainant-Promila alleging that her marriage was solemnized with Davinder Kumar in the year 2003. She belongs to Jammu and her marriage was also solemnized at Jammu. After her marriage with accused Davinder Kumar, she used to be harassed by him and other members of his family. On account of this reason, she came back to her parental house for the last about 6 months.

In the entire FIR, there is no specific date, time and incident are mentioned which can be established with regard to allegation of harassment. All the allegations are general in nature qua the petitioners.

On notice, reply has been filed through affidavit of ACP, Jalandhar on behalf of respondent No.1 stating therein that complaint has been made by respondent No.2-Romila against her husband Davinder Kumar and his family members for cruelty and harassment to her. After investigation, charge-sheet against all the accused including petitioners has

been filed on 14.05.2013 and charges have been framed against the petitioners on 26.07.2013 and the case was fixed for 13.11.2013 for prosecution evidence. Learned counsel for the State submits that out of 13 witnesses, only 3 witnesses have been examined till date.

A separate reply has been filed by respondent No.2 stating therein that in the marriage ceremony, parents of the respondent No.2 gave sufficient dowry to the petitioners and Davinder Kumar including Rs.2 Lacs cash and jewellery of about 10 tolas gold. She further stated in the reply that her husband-Davinder Kumar was already married with Krishna daughter of Surjit Ram of Ambala City in the year 2000 and one daughter namely Palak was born from this wedlock in February 2001. This fact was concealed by the petitioners and Davinder Singh at the time of marriage.

Since, the main allegations have been attributed to the husband of the complainant-Davinder Singh for beating and harassment on account of demand of dowry and for concealing the facts that he had already married who is facing the trial before the Court and keeping in view that all the allegations against the petitioners are general in nature, FIR No.22 dated 08.04.2012, for the offence under Sections 406, 498-A, 323 IPC registered at Police Station Division Women Cell, Jalandhar (Annexure P-1) is quashed along with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

(RITU BAHRI)
JUDGE

17.01.2017

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