

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

CRM-M No. 12960 of 2015(O&M)

Date of decision: 24.03.2017

Anoopjit Kaur and anotherPetitioners

VERSUS

State of Punjab and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vaibhav Sehgal, Advocate for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

Mr. J.S. Dadwal, Advocate for respondent No.2

REKHA MITTAL, J.

The petitioners pray for quashing of FIR No.17 dated 05.02.2015 under Sections 406, 498-A of the Indian Penal Code, 1860 (in short 'IPC') (Annexure P-1) registered at Police Station Women, District Ludhiana and proceedings emanating therefrom.

Counsel for the petitioners has submitted that Ramandeep Kaur, complainant/respondent No.2 was married to Inderjit Singh (brother of the petitioners) on 30.12.2011. Anoopjit Kaur – petitioner No.1 was married in the year 2007 and since then she has been residing in her matrimonial house i.e. House No.188-B, Street No.4, Jangpur Road, Mandi Mullanpur, District Ludhiana. It is further argued that the respondent has raised general, vague and omnibus allegations against petitioner No.1 who had nothing to do with the marital affairs of Inderjit Singh. It is further argued that specific allegations raised against petitioner No.1 are that when

petitioner No.1 and her husband used to come, they had been instigating Inderjit Singh and Surinder Kaur by saying that parents of the complainant had not given anything in marriage and on their instigation the husband, mother in law and Harpreet Kaur - accused would demand Rs.1,50,000/- and Acura from her. Petitioner No.1, her husband along with Inderjit Singh and several other relatives came to her parental house, admitted their guilt and said that they would not repeat such things in future and her father sent her back to the matrimonial house. It is vehemently argued that even if the allegations specifically raised against petitioner No.1 are taken on its face value, these do not constitute offence punishable under Section 498-A IPC when otherwise there is no allegation against petitioner No.1 with regard to entrustment of Istridhan or misappropriation thereof to attract offence under Section 406 IPC. In addition, it is argued that same allegations have been levelled against petitioner No.1 and Gurvinder Singh – her husband but Gurvinder Singh has been found innocent during investigation.

With regard to Harpreet Kaur - petitioner No.2, it is argued that Harpreet Kaur got married after marriage of the complainant and she is happily residing in her matrimonial home with Manwinder Singh, her husband. Further submitted that main allegation against petitioner No.2 is that she performed marriage on 23.07.2014 against wishes of her parents and when she came back, accused gave 13 tolas gold of complainant to Harpreet Kaur without her (complainant's) permission.

Counsel for the complainant has seriously opposed the petition with the submissions that disputed questions of fact cannot be decided under Section 482 Cr.P.C., therefore, the same are to be decided

by the trial Court on the basis of evidence to be adduced by the parties. It is further submitted that the complainant has raised specific allegations against the petitioners disentitling them to seek indulgence of this Court in exercise of inherent jurisdiction, to be used sparingly. Another submission made by counsel is that the petitioners are a privy to conspiracy hatched by the husband and his family members to cause physical and mental torture to the complainant. It is argued that Inderjit Singh transferred the land owned by him in the name of his mother and the mother executed a Will in favour of the petitioners and after death of mother in law of the complainant, land has been transferred in the names of the petitioners duly recorded in the Jamabandi Annexure R/1.

Counsel for the State has echoed the arguments advanced by counsel for the complainant.

I have heard counsel for the parties and perused the paper-book.

There is no denial that Anoopjit Kaur – petitioner No.1 was married with Gurvinder Singh in the year 2007 and she is leading a happy married life with her husband. The complainant has raised general allegations against all the accused with regard to demand of dowry and harassment. As has been rightly pointed out by counsel for petitioner No.1, whatever specific allegations have been raised by the complainant against petitioner No.1 (referred to as accused No.3 in the FIR), the same are not sufficient to constitute an offence punishable under Section 498-A IPC. The complainant has not raised any allegation against petitioner No.1

with regard to entrustment or misappropriation of any property belonging to the complainant.

So far as plea of the respondent with regard to transfer of land in the name of petitioners is concerned, the petitioners have been recorded to be co-owners to the extent of 8 1/3 shares/116 shares to the extent of equal shares in the Jamabandi for the year 2006-07 (Annexure R/1). Counsel for the respondent is not in a position to convince this Court as to how any transfer of land in the names of petitioners on the basis of inheritance recorded in the Jamabandi for the year 2006-07 can be a cause of grievance to express by the complainant for making out a case under Section 498-A IPC. One thing more to be added here is that the complainant has raised same allegations against husband of petitioner No.1 but her husband was declared innocent during investigation. In this view of the matter, I have no hesitation to conclude that the complainant has indicted Anoopjit Kaur and her husband with an intent to make the net wider and involve maximum number of family members of the husband. The criminal proceedings against petitioner No.1 are nothing but abuse and misuse of process of law and liable to be quashed. In this context, reference can be made to judgment of Hon'ble the Supreme Court of India **Preeti Gupta & another Vs State Of Jharkhand & another, (2010) 7 SCC 667.**

This brings the Court to the claim of petitioner No.2 for quashing of the proceedings. The complainant was married in the year 2011 whereas petitioner No.2 performed marriage in July 2014. The complainant has raised specific allegations against petitioner No.2 with regard to demand of Rs.1,50,000/- and Activa. Admittedly, petitioner

No.2 was residing in her parental home for a period of about 3 years after marriage of the complainant with brother of petitioner No.2. As per the settled position in law, this Court cannot examine the correctness or otherwise of the allegations in exercise of jurisdiction under Section 482 Cr.P.C. In this view of the matter, I do not find any reason to intervene under Section 482 Cr.P.C. qua attributions made against petitioner No.2.

For the foregoing reasons, the petition filed by petitioner No.1 is allowed. As a consequence, FIR No.17 dated 05.02.2015 registered at Police Station Women, District Ludhiana and proceedings emanating therefrom are ordered to be quashed qua petitioner No.1. However, petition filed by petitioner No.2 fails and is accordingly dismissed.

Nothing stated hereinbefore shall be construed as an expression of opinion on merits of the case either against petitioner No.2 or other persons arrayed as accused

MARCH 24, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no