

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

**CRM No.M-2220 of 2015  
Decided on: 27.01.2017**

Ramji Lal

....Petitioner

Versus

State of Haryana and another

....Respondents

**CORAM: HON'BLE MRS JUSTICE REKHA MITTAL**

**Present :** Mr. P.K. Ganga, Advocate  
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Jitender Dhanda, Advocate  
for respondent No.2.

**REKHA MITTAL, J. (Oral)**

The petitioner prays for quashing of FIR No.888 dated 22.09.2014 registered with Police Station Hisar Sadar, Tehsil and District Hisar for offence punishable under Sections 498-A, 406, 323, 506 read with Section 34 of the Indian Penal Code (in short 'IPC') and proceedings emanating therefrom.

Counsel for the petitioner has submitted that Suman – complainant/respondent No.2 performed marriage with Rajesh son of Bansi Lal on 23.01.2014 but stayed in her matrimonial home for a very short period. It is further submitted that the complainant has levelled vague and general allegations against many persons, relatives of Rajesh with an intent to make the net wider. Rajesh – husband, his mother, younger brother, wife of younger brother, present petitioner and his wife were arrayed as accused alleging demand of dowry and harassment

to the complainant. It is further argued that wife of the petitioner against whom similar allegations have been raised was declared innocent by the police and her name appears in column No.2 of the report submitted under Section 173 Cr.P.C. It is vehemently argued that the petitioner being the paternal uncle of Rajesh has nothing to do with the marital affairs of the complainant and Rajesh who possibly could not be the beneficiary of any dowry, if given by parents of the complainant. The last submission made by counsel is that no time, date and month of the alleged physical torture or harassment at the hands of the petitioner has been given in the report submitted under Section 173 Cr.P.C.

Counsel for the State, while refuting contentions of counsel for the petitioner, has submitted that the complainant was allowed to stay in the matrimonial home barely for a period of 04 months and she has been turned out of matrimonial home on account of demand of dowry and suffered physical and mental cruelty at the hands of the accused including the present petitioner.

Respondent No.2 failed to file any response despite number of opportunities granted for the purpose since 03.07.2015. Earlier respondent No.2 was being represented by one Balkar Singh, Advocate but today memo of appearance on behalf of the complainant was filed by one Sh. Jitender Dhanda, Advocate and a request on his behalf was made by some other counsel. Taking into consideration that the complainant failed to file any response since July, 2015, the said request was declined. However, counsel was permitted to make submissions but he expressed his inability to say something in the

matter.

I have heard counsel for the parties and perused the paperbook particularly the allegations contained in the report submitted under Section 173 Cr.P.C.

Perusal of the allegations raised in the report would indicate that same allegations have been raised against Rekha wife of Ramji Lal and Ramji Lal son of Roop Ram, petitioner herein. Concededly, Rekha was found to be innocent and kept in column No.2 of the report submitted under Section 173 Cr.P.C. There is nothing on record suggestive of the fact that as to on what basis, the investigating agency made a distinction between case of the petitioner and that of his wife. This apart, the complainant has raised vague and omnibus allegations against the accused with regard to demand of dowry and harassment to her on the said pretext. There is no denial that the petitioner is the paternal uncle of Rajesh – husband of the complainant. The petitioner could not be the beneficiary even if alleged demand of dowry would have been satisfied by parents of the complainant. When the allegations raised in the report under Section 173 Cr.P.C. are examined in the light of concern expressed by Hon'ble the Supreme Court of India in ***“Preeti Gupta and another vs State of Jharkhand and another”***, 2010(4) RCR (Criminal) 45 and ***“Pratibha vs Rameshwari Devi and others”***, 2007(4) RCR (Criminal) 367, I find force in contention of the petitioner that it would be miscarriage of justice if the petitioner is compelled to undergo rigmarole of criminal trial.

For the reasons aforesaid, the petition is allowed, FIR

No.888 dated 22.09.2014 for offence punishable under Sections 498-A, 406, 323, 506 read with Section 34 IPC registered with Police Station Hisar Sadar, Tehsil and District Hisar and proceedings emanating therefrom are ordered to be quashed only qua the petitioner. It is clarified that nothing stated hereinbefore would cause prejudice to the proceedings pending against the other accused.

27.01.2017  
*yakub*

(REKHA MITTAL)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable:       | Yes/No |