

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

Date of decision: 27.4.2017

1. **CRM-M No. 23610 of 2016(O&M)**

Kamini DeviPetitioner

VERSUS

State of Haryana and anotherRespondents

2. **CRM-M No. 25691 of 2016(O&M)**

Ram MurtiPetitioner

VERSUS

State of Haryana and anotherRespondents

3. **CRM-M No. 31844 of 2016(O&M)**

SeemaPetitioner

VERSUS

State of Haryana and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Aditi Girdhar, Advocate for the petitioners.

Ms. Dimple Jain, AAG, Haryana.

Mr. Aditya Pal Singla, Advocate for respondent No.2.

REKHA MITTAL, J.

This order will dispose of aforementioned three cases as these have emerged out of FIR No.0009 dated 11.02.2016 under Sections 323, 406, 498-A read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') registered at Women Police Station, Kaithal.

Counsel for the petitioners would contend that Kamini Devi, Ram Murti and Seema are the married sisters-in-law of complainant- Anju Bala whose marriage was performed with Surender Kumar on 11.05.2005. The instant FIR has been lodged by the complainant against her husband, his married sisters and their husbands after 11 years of her marriage. It is further argued that Kamini Devi – petitioner was married in the year 1992, has two children out of her wedlock and is residing happily in her matrimonial home in village Dappar, Tehsil Dera Bassi, District S.A.S. Nagar, Mohali. The complainant along with her husband was residing in her matrimonial home at Dappar in District Mohali. Ram Murti was married long before marriage of the complainant and as per ration card brought on record, she has two children aged 18 and 13 years in the year 2012. Seema was married 7 years prior to marriage of the complainant. It is vehemently argued that complainant has raised vague, general and omnibus allegations against all the accused with regard to demand of dowry and mal-treatment, with an intent to indict maximum number of relatives of Surender Kumar. Further submitted that the complainant has raised specific allegations with regard to payment of an amount of Rs.50,000/- by her father to Santosh, another sister of Surender but Santosh has been declared innocent during investigation. The last submission made by counsel is that criminal proceedings initiated against the petitioners are nothing short of abuse and misuse of process of law and liable to be quashed. In support of her contentions, she has referred to judgments of this Court **Divya alias Babli and others Vs. State of Haryana and another, 2006(4) RCR (Criminal) 322, Sukhdeep Kaur and another Vs. State of Punjab and another, 2015(4) RCR (Criminal)**

892, Amar Kaur and others Vs. State of Haryana and another, 2008**(2) Cri. CC 751.**

Counsel for the complainant/respondent No.2, on the contrary, would urge that the complainant has raised specific allegations against the petitioners with regard to demand of dowry and consequent harassment to the respondent on account of failure of her parents to satisfy their demand fully. It is further submitted that disputed questions of fact are not amenable to adjudication in proceedings under Section 482 Cr.P.C.

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-books.

Be that as it may, there is no challenge to the submissions of the petitioners that they are the married sisters-in-law of the complainant and their marriage was performed prior to marriage of the complainant with Surender Kumar in the year 2005. A casual reading of the First Information Report would substantiate plea of the petitioners that the complainant has not raised any specific allegation against the petitioners either with regard to entrustment, mis-appropriation of articles of her Istridhan or harassment/ cruelty in connection with demand of dowry or otherwise.

Hon'ble the Supreme Court of India in **Preeti Gupta and another Vs. State of Jharkhand and another, 2010 (4) RCR (Criminal) 45** recorded its conclusions in para 28 to 35 of the judgment. In para 33, it was held that tendency of implicating husband and his immediate relations is not uncommon. The courts have to be extremely careful and cautious in

dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of the complainant are required to be scrutinized with great care and circumspect. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties.

There cannot be any dispute about the settled position in law that disputed questions of fact are not amenable to adjudication under Section 482 Cr.P.C. nor the court can embark upon an enquiry to analyse truth and falsity of the allegations. However, when the allegations levelled in the FIR are appreciated in its entirety in the light of the observations made in **Preeti Gupta's case** (supra), I find merit in contentions of the petitioner that it would be miscarriage of justice if the petitioners are compelled to undergo rigmarole of criminal trial.

For the reasons aforesaid, the petitions are allowed; FIR No.0009 dated 11.02.2016 under Sections 323, 406, 498-A read with Section 34 IPC registered at Women Police Station, Kaithal and proceedings emanating therefrom are ordered to be quashed qua the petitioners. However, nothing stated in this order shall prejudice adjudication of culpability of other accused by the trial court.

APRIL 27, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

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