

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

**CRM-M-25694-2017
Date of decision: 20.07.2017**

Rajinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. R.S. Pandher, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

1. The instant petition by the petitioner has been filed under Section 482 Cr.P.C. for quashing of order dated 07.03.2017 whereby the Addl. Sessions Judge, Ludhiana has dismissed the Revision challenging the order dated 02.07.2012 vide which the Judicial Magistrate Ist Class, Khanna has dismissed the complaint filed against respondent Nos. 2 to 5.

2. In brief, the facts are that the petitioner filed a complaint under Sections 406, 498-A, 323, 506, 120-B, 34 IPC against Amandeep Singh- husband of the complainant, Rulda Singh-father-in-law, Harjinder Kaur – mother-in-law, Pawandeep Kaur sister-in-law, Manpreet Singh husband of Pawandeep Kaur, Sapinder Kaur @ Semma – sister-in-law and Parminder Singh husband of Sapinder Kaur @ Semma. In the complaint, it was alleged that a marriage between accused No.1 and the complainant was solemnized on 19.02.2009 at Anand Palace, Bhari, Hari, as per Sikh rites and rituals. However, on account of differences injuries and demand of dowry, she was turned out of her matrimonial home, which resulted in filing of the instant complaint.

3. The Judicial Magistrate Ist Class, Khanna by order dated 02.07.2012 considered the complaint and on the basis of the evidence found that there were sufficient grounds for proceeding against Amandeep Singh the husband, Rulda Singh and Harjinder Kaur i.e. father-in-law and mother-in-law, however, as far as the other accused i.e. Pawandeep Kaur, Manpreet Singh, Sapinder Kaur and Parinder Singh, the Judicial Magistrate Ist Class was of the view that sufficient grounds did not exist for proceeding against them. It was held that it was unlikely that Pawandeep Kaur and Sapinder Kaur, who were married sisters and residing separately along with their husbands frequently visit the house of the petitioner-complainant, tortured and harassed them in connection with demand of dowry. Resultantly, the complaint against respondent Nos. 2 to 5 herein was dismissed. Aggrieved against the said order, the complainant-petitioner herein filed a Revision Petition before the Additional Sessions Judge, Ludhiana who also dismissed the Revision Petition. It is against these two orders that the instant petition has been filed.

4. I have heard learned counsel for the petitioner and found that there is no merit to interfere with the well reasoned orders passed by the Courts below. It is noted that that now-a-days there is a tendency to rope in all family members in an attempt to harass the family of the husband. In the instant case, two sisters of the husband of the complainant, who are married and are residing in different villages and are not located in close vicinity of the matrimonial home of the complainant. As held by the JMIC there is little likelihood of the married sisters along with their husbands, who reside separately in different villages to come across every day to harass the

petitioner for dowry. It is also to be noticed that dowry articles as well as Istridhan , which are normally stated to have been handed over to the father-in-law, mother-in-law of the complainant, are stated to have been handed over to the real sisters and brothers-in-law of the husband of the complainant, that too when they are not residing in the same house and are residing in different villages.

5. This court is of the opinion that allegation have been made in an attempt to rope in all family members just to harass them. The law in this regard as settled by the Hon'ble Supreme Court in the case of ***Preeti Gupta & Anr vs State Of Jharkhand & Anr reported in (2010) 7 SCC 667*** wherein the Hon'ble Apex Court observed that the growing tendency in matrimonial disputes is to implicate all family members of the husband, relevant portion of which reads as under :-

“30. It is a matter of common experience that most of these complaints under [section 498-A IPC](#) are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.”

33. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. 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 harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinized with great care and circumspection. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of amicable settlement altogether. The process of suffering is extremely long and painful.”

6. Therefore the learned courts below on a reading of the complaint rightly came to the conclusion that the allegations were nothing other than an attempt to harass all family members. Finding no ground to interfere with the well reasoned orders passed by the learned Courts below, the instant petition is dismissed.

20.07.2017

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes.

Whether reportable

No.