

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

CRM-M-29370-2014

Date of decision: 07.04.2017

Chirag Garg

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Deepak Aggarwal, Advocate,
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

None for respondent No.2.

Ritu Bahri, J.

Prayer in this petition is for quashing of FIR No.8 dated 08.01.2013, under Sections 498-A/406 IPC, registered at Police Station, Mahila Thana, District Bathinda (Annexure P-1).

The aforesaid FIR has been registered on the basis of complaint made by Rajni Goyal-respondent No.2 to the effect that her marriage was solemnized with Chetan Gupta on 07.08.2009 at Queens Land, Bathinda as per Hindu rites and ceremonies. At the time of marriage, her father-in-law Som Nath Garg and mother-in-law Asha Rani had stated that Chetan Gupta was earning Rs.30,000/- per month. It was also stated that they had a plot measuring 2600 Sq. yards at Maur Mandi, one *Kothi* at Maur Mandi, four acres of land for a factory, a shop at Maur Mandi and oil factory at

Gurdaspur Sainewala, District Bathinda. At the time of marriage, suitable gifts were given to all the members of her in-laws family. However, they were not satisfied with the dowry articles given by her parents. After the marriage, when complainant and her husband (Chetan Gupta) left for Chandigarh, Asha Rani (mother-in-law) had taken all the gold ornaments and other valuable articles from her. Subsequently, she came to know that accused persons had converted her gold ornaments for their own use. Thereafter, marriage of the present petitioner (brother-in-law (*dewar*) of the complainant) was solemnized on 28.03.2010. After this marriage, they started instigating Chetan Gupta against the complainant. Thereafter, complainant-respondent No.2 faced harassment and humiliation at their hands on the pretext of bringing insufficient dowry.

Allegation against the present petitioner is that he used to instigate his brother namely Chetan Gupta against the complainant and thereafter, he used to maltreat her. On 21.09.2010, the complainant gave birth to a female child. On that occasion also, her parents had given sufficient gifts to her in-laws. However, they refused to rehabilitate the complainant in her matrimonial home after the birth of a female child. Subsequently, she came to know that Som Nath Garg and Asha Rani were not the natural parents of Chetan Gupta, rather they were adoptive parents. They had adopted Chetan Gupta from Krishan Kumar and his wife on 15.07.1985 vide Adoption Deed No.96 dated 15.07.1985. This fact was not disclosed to the complainant prior to her marriage with Chetan Gupta. In this background, the FIR was registered.

Learned counsel for the petitioner has argued that there are general allegations against the petitioner that he used to harass and

humiliate the complainant. No specific role has been attributed to him with respect to the harassment.

Upon notice, reply on behalf of respondent No.1-State, by way of affidavit of Superintendent of Police (HQ), Bathinda has been filed, wherein it has been stated that after registration of the FIR, investigation was conducted. During investigation, the petitioner was arrested and thereafter, he was released on bail as per the orders passed by the Additional Sessions Judge, Bathinda. After completion of investigation, challan has already been presented and after framing of charges, the trial is fixed for recording of prosecution evidence.

Heard.

After going through the contents of the FIR, this Court is of the view that apart from general allegations, no specific role has been attributed to the present petitioner with regard to the marital discord of the complainant with Chetan Gupta. The petitioner was not involved in accepting the gifts and other dowry articles, which were given at the time of marriage by parents of the complainant.

At this stage, reference can be made to a judgment passed by Hon'ble the Supreme Court in **Preeti Gupta & another Vs. State of Jharkhand & another**, 210 (7) SCC 667, wherein it has been held that large number of complaints under Section 498-A IPC are not *bonafide*. Majority of such complaints are filed either on the advice of members of Bar or with their concurrence with exaggerated versions. While quashing a complaint relating to matrimonial dispute, Hon'ble the Supreme Court observed as under:-

“30. It is a matter of common experience that most of these complaints under Section 498A Indian Penal Code 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 *bonafide* 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.

31. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fiber of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fiber, peace and tranquility of the society remains intact. The members of the Bar should so ensure that one complaint should not lead to multiple cases.”

Similar view has been taken by this Court in **Rajni Vs. State of Haryana and another**, CRM-M-41402-2014 (decided on 29.02.2016), wherein it has been held that in a matrimonial dispute, there is a general tendency to implicate all the family members. Normally, unmarried sister-in-law has hardly any concern with the demand of dowry or harassment, but still she has been implicated. In **Sukhdeep Kaur and another Vs. State of Punjab and another**, 2015 (4) RCR (Criminal) 892, this Court while quashing an FIR under Sections 406/498-A IPC, has observed that a tendency has developed for roping in all the relations of husband in dowry cases in order to browbeat and pressurize the immediate family of the husband.

In the facts of the present case also, Chirag Garg-petitioner is brother-in-law (*dewar*) of the complainant. He is brother of complainant's husband. It seems that an attempt is being made to rope in all the close

relations of the husband in criminal proceedings, which are initiated under Sections 406 and 498-A IPC. Moreover, the petitioner is not expected to get any benefit from the alleged demand of dowry. Thus, the present criminal proceedings are liable to be quashed against the petitioner, who is none else, but younger brother of husband of the complainant.

In view of the above discussion, this Court is of the view that continuation of present criminal proceedings would be an abuse of the process of law and no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.8 dated 08.01.2013, under Sections 498-A/406 IPC, registered at Police Station, Mahila Thana, District Bathinda, is quashed with all consequential proceedings arising therefrom qua the petitioner.

The petition stands disposed of accordingly.

07.04.2017
ajp

(RITU BAHRI)
JUDGE

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