

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30484-2014

Date of Decision:- 02.05.2017

Sita Ram Sharma and another

....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Inderjit Sharma, Advocate
for the petitioners.**

Ms. Mahima Yashpal, AAG, Haryana.

**Mr. Brijender Kaushik, Advocate
for respondent No.2.**

RITU BAHRI, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.479 dated 06.12.2012, under Sections 406, 498-A and 34 IPC, registered at Police Station Mahesh Nagar, Ambala and order dated 01.07.2013 (Annexure P-4) whereby the charges have been framed against them.

The present FIR has been registered by respondent No.2-Anita with the allegations that she was married with son of the petitioners Anil Sharma on 17.01.2012. Her parents had given sufficient dowry articles to the family members of Anil Sharma. After the marriage, her husband conveyed to her that he has business at Mumbai and he would take her there

after some time. Her husband stayed with her at Kurukshetra for a week and

then left for Mumbai on 25/26.01.2012. While going to Mumbai, he took all the *shangun* money of ₹45,000/- from her. Thereafter, on 06.02.2012, she went to Calcutta for few days for honeymoon. On reaching there, she was taken to a small room flat which her husband had occupied for few days from his friend. Her husband used to leave the said flat in the morning for some business and used to come late in the evening. She lived in Calcutta for a week and on 15.02.2012 returned back to Kurukshetra. Her husband came to Kurukshetra for few days and did not allow her to visit Mumbai. An amount of ₹1,34,000/- was sent by complainant to her husband Anil Sharma through Bank after arranging money from her account and also from her parents. She remained with her parents-in-law. On 24.10.2012, her father-in-law made a demand of ₹2,00,000/- for purchase of a car. On 29.10.2012, the brother of the complainant along with the complainant and other relations/friends went to the Kurukshetra and met accused Nos.2 and 3 but instead of admitting their fault, they started abusing them and told that they were not interested in keeping the complainant.

Learned counsel for the petitioners submits that the petitioners are old parents-in-law of the complainant and they have been falsely implicated in the present case in order to put pressure upon them. All the allegations levelled against them are general in nature.

As per reply filed by Assistant Commissioner of Police, Ambala Cantt., on behalf of respondent No.1, after investigation, the challan had been presented in the present case and charge had been framed against the accused and now the trial is fixed prosecution witnesses.

Learned State counsel, on instructions from HC Mukesh, has further informed that during investigation, recovery of clothes and one T.V. has been effected from Anil Sharma-husband (son of the petitioners). Even the rings given to the petitioners at the time of marriage were recovered from the husband.

Heard learned counsel for the parties.

Perusal of record shows that the petitioners are old parents-in-law of complainant-respondents No.2. The main allegations with regard to mal-treatment and demand of dowry are attributed to husband (son of the petitioners), who did not make any steps to take her wife back. Moreover, the gold rings given at the time of marriage cannot be treated as dowry. Since there is also no allegation of entrustment of any dowry article against the petitioners, therefore, I am of the considered view that no case under Sections 406, 498-A, 406 and 34 IPC is made out against them.

Consequently, FIR No.479 dated 06.12.2012, under Sections 406, 498-A and 34 IPC, registered at Police Station Mahesh Nagar, Ambala; order dated 01.07.2013 (Annexure P-4) and all the subsequent proceedings arising therefrom qua petitioners are hereby quashed.

May 02, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No