

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

--

Crl. Misc. No. M 35743 of 2014
Date of decision: 16.01.2017

Mohinder Singh and others *Petitioners*

Versus

State of Punjab and another *Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-. -

Present: Mr. A S Syan, Advocate
for petitioner No. 3

Mr. Navdeep Singh, DAG, Punjab

Mr. Shubhashish Kukreti, Advocate
for respondent No. 2

-. -

Rekha Mittal, J.

The petitioners have filed the instant petition under Section 482 of the Code of Criminal Procedure for quashing of complaint No. 8 dated 25.01.2013 titled *Kalpna alias Harpreet kaur v. Kulwant Singh and others* (Annexure P1), summoning order dated 09.07.2013 (Annexure P2) and proceedings emanating therefrom.

The petition filed by Mohinder Singh and Bhupinder Kaur, parents-in-law of complainant/respondent No. 2 was dismissed as not pressed vide order dated 17.10.2014. Notice of motion was issued qua petitioner No. 3 only.

Counsel for petitioner No. 3 has submitted that Hardeep Singh- petitioner No. 3 is the younger brother of Kulwant Singh with whom the complainant performed marriage on 11.03.2012. It is further submitted that

the complainant had raised general and vague allegations against all the persons arrayed as accused without attributing anything specifically against petitioner No. 3 either with regard to entrustment of dowry articles, misappropriation thereof or causing cruelty to the complainant on account of demand of dowry. It is further submitted that petitioner No. 3 is a student of Bachelor of Arts and has nothing to do with matrimonial affairs of the complainant and his brother Kulwant Singh. It is argued with vehemence that the petitioner has been arrayed as an accused with an intent to make the net wider and to rope in all the family members of Kulwant Singh. It is further submitted that continuation of criminal proceedings against petitioner No. 3 is nothing but an abuse or misuse of process of law and the same are liable to be quashed.

Counsel for respondent No. 2 on a pointed query raised by the Court has fairly informed that no specific allegations have been attributed against petitioner No. 3.

I have heard counsel for the parties and perused the paper book particularly the complaint (Annexure P1) and summoning order (Annexure P2).

Perusal of the allegations reproduced in the summoning order stated to be corroborated by the complainant and other witnesses would make it evident that the complainant had raised the allegations that accused No. 1 to 4 kept the family of the complainant in dark and misrepresented that accused No. 1 was employed with the Indian Railway. After marriage, accused No. 1 to 4 perpetrated mental and physical cruelty upon the complainant and demand of dowry was raised. Petitioner No. 3 would not have been the beneficiary even in case some more dowry had been given by

parents of the complainant. There are no specific allegations against petitioner No. 3 in order to implicate him in the crime under Sections 406 and 498-A even with the aid of Section 120-B IPC. When the facts and circumstances of the present case are examined in the light of observations made by Hon'ble the Supreme Court ***Preeti Gupta and another vs. State of Jharkhand and another, 2010 (4) R.C.R. (Criminal) 45***, it can safely be held that criminal proceedings initiated against petitioner No. 3 are nothing short of abuse of process of law, therefore, the same are liable to be quashed, in the interest of justice.

For the foregoing reasons, the instant petition qua petitioner No. 3 Hardeep Singh is allowed, complaint No. 8 dated 25.01.2013 titled *Kalpana alias Harpreet Kaur v. Kulwant Singh and others* (Anenxure P1), summoning order dated 09.07.2013 (Annexure P2) and proceedings emanating therefrom are ordered to be quashed.

However, nothing stated in this order shall cause prejudice to the complainant qua case against other accused.

(Rekha Mittal)
Judge

16.01.2017
mohan bimbira

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