

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

CRM-M No. 43640 of 2015(O&M)

Date of Decision: 09.02.2017

Sunita Rani

....Petitioner

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sarabjeet Khaira, Advocate for the petitioner.

REKHA MITTAL, J.

The present petition directs challenge against orders dated 23.12.2014 (Annexure P-1) passed by the Judicial Magistrate Ist Class, Gurdaspur and dated 03.07.2015 (Annexure P-2) passed by the Additional Sessions Judge, Gurdaspur to the extent of non-summoning of Rajan Kumar and Raman Kumar as accused in criminal complaint titled **Sunita Rani Vs. Puran Chand and others.**

Counsel for the petitioner has submitted that marriage of Sunita Rani was solemnized with Rajiv Kumar son of Puran Chand on 19.04.2009 at Mohindra Green Land Palace, Gurdaspur. Before marriage, ring ceremony took place in hotel Annapurna, Gurdaspur, on 01.03.2009 and parents of the complainant (petitioner herein) spent Rs.70,000/-. At the time of marriage, parents of the complainant spent Rs.6 lakhs and gave dowry articles detailed in the complaint. After marriage, the complainant was subject to cruelty and harassment on account of demand of dowry detailed in the complaint. It is argued with vehemence that as the

complainant has levelled specific allegations against Rajan Kumar and Raman Kumar, brothers of Rajiv Kumar, they are also liable to be summoned to face trial for commission of offence punishable under Sections 406, 498 read with Section 34 IPC.

I have heard counsel for the petitioner, perused the paper-book particularly the orders impugned.

As per the allegations brought-forth by the complainant, her marriage was performed on 19.04.2009. A son was born out of the wedlock on 11.02.2010. On 25.02.2010, she along with the minor child is stated to be thrown out of the matrimonial home. The only allegation against Rajan Kumar and Raman Kumar, brothers of Rajiv Kumar-husband of the petitioner, is that Rajan Kumar and Raman Kumar told the complainant that articles of dowry are of inferior quality and the same should be taken back otherwise the articles would be thrown out and set on fire. No date, month or year of the said occurrence has been given. The petitioner has raised general allegations against all the members of her in-laws family with regard to demand of money and causing harassment.

Taking into consideration the nature of allegations raised in the complaint coupled with the factum that in such like cases, the complainant generally has the tendency to rope in maximum number of family members and relatives of the husband to make the net wider, I do not find any error much less illegality in the impugned orders or any justification to summon Rajan Kumar and Raman Kumar as well.

For the foregoing reasons, the petition fails and is accordingly dismissed. However, nothing stated in this order shall cause prejudice to the petitioner in the proceedings pending against the accused summoned by the trial Magistrate.

FEBRUARY 9, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE

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