

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

**CRR-3268 of 2016 (O&M)
Date of decision: 13.01.2017**

Shabbo @ Usha

...Petitioner

Versus

Mintoo and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rahul Makkar, Advocate,
for Mr. L.M. Gulati, Advocate,
for the petitioner.

Ritu Bahri, J.

CRM-28371-2016

For the reasons mentioned in the application, same is allowed
and delay of 127 days in filing of the petition is condoned.

CRR-3268-2016

Petitioner has come up in revision against the order dated
22.01.2016 passed by the Additional Chief Judicial Magistrate, Tarn Taran,
whereby only accused Gurmit Singh @ Jaga and Parkash Kaur have been
summoned to face trial under Sections 406, 498-A read with Section 120-B
IPC and complaint qua the remaining accused namely Mintoo and Saroj
(petitioners herein) has been dismissed.

Initially, the complaint (Annexure P-1) was filed by Shabbo @
Usha-petitioner against her husband Gurmit Singh @ Jagga, mother-in-law
Parkash Kaur, brother-in-law Mintoo and his wife Saroj with the allegations
that her marriage was solemnized with Gurmit Singh @ Jaga about five
years back. Out of this wedlock, a daughter namely Sehajpreet @ Khushi was
born. After the marriage, her in-laws started harassing and humiliating her

on the pretext of bringing insufficient dowry. She was thrown out of the matrimonial house many a times. On 02.09.2013, the complainant made a complaint to the Senior Superintendent of Police, Tarn Taran, which was marked to the Women Cell, Tarn Taran. In the Women Cell, all the accused after admitting their guilt, took the complainant back to her matrimonial house. Thereafter, the said complaint was withdrawn. However, she along with the minor daughter was again harassed by the accused persons. They made a demand of divorce in the month of July, 2014. The complainant again made a complaint in Police Station, Sadar, Tarn Taran, where all the accused were called. However, they took her back to the matrimonial house, where she was again insulted. On 21.09.2014, her father Bachan Singh, mother Sawinder Kaur and Ex-Sarpanch Harjit Singh made an attempt to rehabilitate her, but the accused refused to keep the complainant and her daughter and sought divorce from her.

A perusal of the contents of complaint (Annexure P-1) shows that from September, 2013 till September, 2014, all attempts were made to rehabilitate the complainant in her matrimonial house.

Keeping in view the above facts, the trial Court has rightly summoned Gurmit Singh @ Jaga (husband) and Parkash Kaur (mother-in-law) to face trial under Sections 406, 498-A read with Section 120-B IPC. However, Mintoo-respondent No.1 is brother-in-law of the complainant and Saroj-respondent No.2 is his wife. They would not gain anything by making a demand of divorce from the complainant. Hence, the complaint has been rightly dismissed qua these accused, as no ground is made out to summon both these respondents to face trial.

Resultantly, the impugned order does not suffer from any

illegality or perversity warranting interference by this Court.

Dismissed.

13.01.2017
ajp

(RITU BAHRI)
JUDGE

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