

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

**Criminal Revision No.4652 of 2017 (O&M)
Date of Decision: December 14, 2017**

Suraj Mal

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Surender Saini, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

Heard.

This is revision petition against the order dated 07.11.2017 filed by petitioner Suraj Mal, whose daughter was married with Parveen in February, 2014. She died on the night of 25.09.2016. In the FIR got registered by the petitioner, allegations have been levelled against husband, mother-in-law, father-in-law, brothers-in-law and sister-in-law of deceased for demand of dowry. Complainant has also alleged that his daughter Manju has not committed suicide but she has been killed by her in-laws. After investigation, police presented challan against Parveen and Vedmati i.e. husband and mother-in-law of the deceased.

Learned counsel for the petitioner argues that in the supplementary statement of petitioner recorded by the police on 25.10.2016

i.e. after about one month of the occurrence, he had specifically stated that

Mahesh and Mukesh brothers-in-law of the deceased had demanded golden chain for themselves and Poonam, sister-in-law of deceased had demanded necklace for herself. This demand was made before Navish, brother of the deceased when he had gone to meet his sister Manju on 13.08.2016. Statement of Navish was also recorded by the police under Section 161 Cr.P.C. on 15.10.2016, wherein he has stated that on 13.08.2016, Parveen raised demand of car from his sister, while Vedmati demanded ear-rings for herself; Mahesh and Mukesh demanded golden chain for themselves and he told them that they are not in a position to give this much of dowry at one go.

The complainant while appearing as PW1, has stated that the demand of dowry was raised by all the members of in-laws' family of the deceased. He has, however, added in his statement that on 16.08.2016, he had gone to village Siddipur to meet in-laws of his daughter along with his son Navish, where he had tried to make them understand that he will fulfill their demand one by one. He has stated that demand of car was made by Parveen and Raghbir while Vedmati demanded ear-rings, Mahesh and Mukesh golden chains and Poonam demanded a necklace.

Learned trial Court did not find any reason to summon the accused named in the application with observations that Poonam, sister-in-law of deceased, is married and is residing at her matrimonial village, which is 70 kilometers away from the matrimonial village of the deceased. Mahesh and Mukesh younger brothers-in-law of deceased are students. The petitioner has not stated about the demand raised by them in the FIR. There is no evidence on record to show that in-laws of Manju were owing a debt

of ₹40 lakh in which they were asking the complainant to contribute. While declining the application, learned trial Court observed in para 8 of the order as follows:-

“8. The necessary corollary that follows is that allegations of demand of golden chains by Mahesh and Mukesh and demand qua payment of 1/3rd amount of loan of Rs.40,00,000/- by Raghbir made in supplementary statement by complainant Surajmal, cannot stand on their own because no specific date or month or year has been stated by the complainant either in the supplementary statement or in his evidence as PW1. Here it is pertinent to mention that the complainant in his supplementary statement has given no reason as to why he did not mention in complaint Ex.PW1/A about the demand of Car or Ear-rings or Chains or Necklace or 1/3rd payment of loan amount of Rs.40,00,000/- by the proposed accused persons. The complainant's counsel argument that the case of the proposed accused is at par with the case of accused Vedmati cannot be entertained by this Court because at this stage the matter before this Court is with regard to the involvement of the proposed accused in the case in hand. Consequently, the application under Section 319 Cr.P.C. stands dismissed.”

On going through the FIR, supplementary statement of complainant/petitioner and the statement of son of petitioner recorded under Section 161 Cr.P.C. by the police, I find that petitioners are trying to implicate all the family members of the accused by levelling one allegation or the other. Even if, it be believed that some demand of dowry was raised before the son of complainant, the testimony of his son has not been recorded so far. Learned trial Court has rightly observed that at this stage,

there is no reason to summon the accused as mentioned in the application. I do not find any reason to differ with the finding recorded by learned trial Court.

There is no merits in this petition and the same is dismissed.

December 14, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***