

CRM-M-3655-2016(O&M) &
CRM-M-19339-2016(O&M)

-1-

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

(1) CRM-M-3655-2016(O&M)

Ravinder Sharma

...Petitioner

Versus

State of Punjab and others

...Respondents

(2) CRM-M-19339-2016(O&M)

Ravinder Sharma

...Petitioner

Versus

State of Punjab and others

...Respondents

Date of Decision:24.7.2018

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Daman Dhir, Advocate
for the petitioner in both petitions.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

Mr.Brijeshwar Singh Jaiswal, Advocate
for respondents No.2 and 3.

H.S. MADAAN, J.

By this order, I shall dispose of two petitions i.e. CRM-M-
3655-2016(O&M) and CRM-M-19339-2016(O&M) filed by petitioner –

complainant Ravinder Sharma seeking quashing of the orders dated 29.4.2015 and 10.11.2015 passed by learned Additional Sessions Judge, Sangrur vide which while allowing revision petitions, had set aside the order dated 28.10.2014 passed by Sub-Divisional Judicial Magistrate, Dhuri allowing application under Section 319 Cr.P.C. and summoning Hem Lata, Raj Kumar, Dharmadesh and Sharda Devi.

Briefly stated, facts of the case are that complainant Ravinder Sharma had submitted a written complaint to SHO, Police Station City, Dhuri seeking taking of action against her husband – Manoj Kumar, father-in-law Raj Kumar, mother-in-law Hem Lata, grand-mother-in-law Sharda Devi, maternal uncles in law Parveen Kumar and Dharmadesh contending therein that she was married with Manoj Kumar on 23.1.2011 and at that time, her parents had spent about Rs.8 lakhs giving considerable dowry articles, which formed her ISTRIDHAN; that after the marriage when she went to the matrimonial home, she was harassed by her husband and other members of his family named therein so as to pressurize her to bring more dowry articles; that they made her part with her jewellery articles on a false pretext; that when complainant could not get the demands of more dowry met from her parents, she was taunted and Manoj Kumar gave beatings to her at the instance of his family members; that on one occasion, he (Manoj Kumar) tried to put mercury in the mouth of complainant and complainant saved herself with great difficulty; that Manoj Kumar used to give beatings to her frequently; that she had given complaint to police but the matter was compromised on 1.9.2011 but there was no change in behaviour of the accused; that she had returned to her

parental house. According to the complainant, the accused named in the FIR have not only harassed and maltreated her but had committed criminal breach of trust with regard to her dowry articles.

After registration of the FIR, the matter was investigated. After completion of investigation and other formalities, challan against Manoj Kumar accused was filed.

During the course of trial, the prosecution had moved an application under Section 319 Cr.P.C., which was allowed by learned Sub-Divisional Judicial Magistrate, Dhuri and summoned Hem Lata, Raj Kumar, Dharmadesh and Sharda Devi as additional accused to face trial along with Manoj Kumar. That order was challenged by Hem Lata, Raj Kumar, Dharmadesh and Sharda Devi by filing separate petitions in the Court of Sessions, which were accepted by learned Additional Sessions Judge, Sangrur vide orders dated 29.4.2015 and 10.11.2015, respectively.

Para No.8 of the order passed in Criminal Revision filed by petitioners Sharda Devi and Dharmadesh is quite relevant, which is being reproduced as under:

8. *“A perusal of the record shows that specific allegations are not against the revisionists. There is sufficient material available on the record that they are not part of the family of the husband of the complainant and have been residing separately from the very beginning. Revisions Sharda Devi is 80 years of age and is maternal grand mother of the husband of the complainant whereas Dharmadesh is the maternal*

uncle. Nothing is there on the record to show any entrustment of dowry articles to them nor any specific instance has been shown regarding maltreatment or demand of dowry, being specifically raised by them. Even demand of return of articles from the revisionists is also missing. They appears to have been dragged to pressurize the family of husband, otherwise being part of separate family, has nothing to do with the family affairs of their grand son who is residing separately from them. The evidence, led by the petitioners, is not enough to summon an old lady and a government employee to face trial of the case simply because of the reason that the complainant uttered the names of both the revisionists, supported by vague allegations. The ld. Trial Court has not appreciated the evidence on the record as manifestly clear from the order, passed by the ld. Trial court, which shows no application of mind. The ld. Court has summoned them on the material, already available on record, on the basis of which the police investigated the matter and held all relatives innocent except the husband. The police even did not cite the mother in law and father in law as accused as they had also been residing separately in Delhi, away from the house of their son. No fresh evidence has come on record enabling the Court to

summon the revisionists as additional accused.

Resultantly, the impugned order is liable to be set aside and same is ordered accordingly and the present revision petition is allowed. Trial Court file be sent back immediately and the revision file be consigned to the record room.

The relevant para of the order passed in Criminal Revision filed by petitioners Raj Kumar Sharma and Hem Lata is being reproduced as under:

The case of the present petitioners is similar to the case of the petitioners of that case. The present petitioners are the father-in-law or mother-in-law of the respondent/complainant Ravinder Sharma. They are residing separately from their son and daughter-in-law. No fresh evidence has come on record to summon them as accused. They were found innocent by the SHO, PS City, Dhuri and DSP, Sub-Division Dhuri vide their inquiry reports dated 19.11.2012 and 6.12.2012, respectively. As per the statement of the complainant appearing as PW-1 in the trial Court, only customary gifts were handed over to the petitioners at the time of marriage. It seems that the above discussed facts and circumstances of this case have escaped the attention of the ld. Trial Court at the time of passing the impugned order. It is pertinent to mention here that the ld. Counsel for the

respondent/complainant who had been appearing before this Court did not appear to address arguments and to oppose the arguments on the ld. Counsel for the petitioner.

In view of the discussion made above, the impugned order qua the petitioners is set aside and the revision petition is allowed.

The said orders left the complainant aggrieved and he has filed the present revision petitions, notice of which were issued to respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

Section 482 Cr.P.C. deals with inherent power of the High Court providing that nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

The orders passed by learned Additional Sessions Judge, Sangrur do not call for interference by this Court while exercising power under Section 482 Cr.P.C. These are certainly not abuse of process of the Court and passed in violation of settled principles of criminal jurisprudence.

The proper reasoning has been given for setting aside of the order passed by the trial Court. I do not see any reason to take a different view.

In the present case, I do not find any such illegality or infirmity with the orders passed by the learned Additional Sessions Judge, Sangrur much less apparent on the face of it. The orders are certainly not in violation of settled principles of criminal jurisprudence. I do not see any reason to upset the impugned order while exercising powers under Section 482 Cr.P.C.

Finding no merits, both the petitions stand dismissed.

24.7.2018

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No