

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 41855 of 2014 (O&M)

Date of decision : 12.7.2018

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Manjit Singh and others

.....Petitioners

vs.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Naveen Sharma, Advocate for
Mr. K.S. Sidhu, , Advocate
for the petitioners.

Ms. Samina Dhir, Deputy Advocate General,
Punjab

None for respondent No.2.

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H. S. Madaan, J.

This petition under Section 482 Cr.P.C. for quashing of complaint titled as 'Gurpinder Kaur vs. Gurjit Singh and others' pending in the Court of Chief Judicial Magistrate, Mansa, has been filed by petitioners – Manjit Singh, Sukhwinder Kaur and Kirandeep Kaur (wrongly mentioned as Kiranpal Kaur in complaint).

Briefly stated, facts of the case are that complainant Gurpinder Kaur had filed a complaint under Section 498-A, 406, 420,

120-B IPC, against her husband Gurjit Singh, as well as, husband's elder brother (Jeth) Manjit Singh, Manjit Singh's wife (Jethani) Sukhwinder Kaur, mother-in-law Sukhpal Kaur, sister-in-law (Nanand) Kiranpal Kaur, sister-in-law (Bhabhi) Babli Kaur, contending therein that at the time of her marriage with Gurjit Singh, her parents had spent a sum of Rs. 8 lacs giving considerable items in dowry, but accused were not happy with the same and they started maltreating and harassing the complainant asking for more dowry. She could not get those demands fulfilled. According to the complainant she had given birth to two children, from the loins of her husband Gurjit Singh, a daughter namely, Jasmeen Kaur aged about 9 years and a son namely, Sanjit aged about 7 years, at the time of filing of the complaint, who are residing with the accused (the complaint was filed on 24.9.2012). Since she could not fulfill the demands of the accused, she was turned out of the matrimonial home, retaining her children; that the complainant and her relatives had tried their level best for return of the complainant to the matrimonial home, but to no effect. Babli Kaur, sister-in-law (brother's wife) of the complainant is residing with accused No.1 Gurjit Singh and that Babli Kaur is asking Gurjit Singh – accused No.1 to divorce the complainant, so that they can contract marriage. In the complaint there are allegations of criminal breach of trust with regard to dowry articles, istridhan of the complainant, her maltreatment in connection with demand of dowry etc.

After filing of the complaint, vide impugned order dated 18.4.2014, accused No. 1 to 5 were ordered to be summoned for

offences under Sections 406, 498-A IPC.

Feeling aggrieved, the petitioners have approached this Court seeking quashing of the complaint, as well as the summoning order.

According to the petitioners, the marriage between the complainant and Gurjit Singh was a simple affair, where no dowry was demanded or accepted. Due to difference in the nature and temperament, a dispute arose between the complainant and her husband Gurjit Singh. The relatives from both the sides tried to resolve the differences but in vain. Rather, both the spouses started residing separately. The complainant went to her parental house at Mansa and filed the complaint in question. It is stated that the complainant who is respondent No.2 in the present petition, alongwith her husband respondent No.1 had been residing separately and they were not on good terms with the petitioners for the reason that respondent No.2 happens to be a hot tempered woman. Petitioner No.3 is married sister-in-law of respondent No.2, who is happily residing in her in-laws house. Petitioners have been roped in simply to harass them, though they have nothing to do with the married life of respondent No.2. There are not specific allegations regarding any of the petitioners, qua any occurrence and no specific date, month or year, have been mentioned about the alleged incident. The trial Court has summoned the petitioners without any justifiable reason, when the marriage was more than 11 years old and no offence against the petitioners was disclosed. Therefore, the petition be accepted.

Notice of petition was given to the respondents, who put

in appearance. Earlier the complainant had appeared through her counsel, but subsequently, her counsel stopped appearing in the Court.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

The marriage between complainant Gurbinder Kaur and accused Gurjit Singh is stated to have taken place on 1.2.2001, whereas the complaint was filed on 11.12.2012, i.e. more than 11 years after the marriage. As regards, Manjit Singh, who is brother of Gurjit Singh and Sukhwinder Kaur, who is wife of Manjit Singh, they are stated to have separate residence, whereas the complainant alongwith her husband and children had been residing separately in the matrimonial home. It is highly unlikely that such petitioners would have interfered in the family life of the complainant or raised any demand from her or for that matter subjected her to any harassment or torture so as to force her to bring dowry articles from her parents. Similarly, Kirandeep Kaur, wrongly mentioned as Kiranpal Kaur in the complaint, is married sister of husband of the complainant. It does not seem plausible that she while leaving her family affairs, would come to the matrimonial home of the complainant and start harassing and mis-behaving with her so as to bring more dowry articles from her parents, when she herself was not going to derive any direct benefit out of the same. It has to be taken into consideration that the allegations with regard to entrustment of the dowry articles are quite vague and general. No specific allegations with regard to entrustment of dowry articles to each of the accused

are there in the complaint. No specific instances have been given when the complainant was allegedly harassed, maltreated by the present petitioners. The complaint has been filed directly in the Court of Magistrate at Mansa. There is no mention therein that the matter had been reported to the police, but since police did not take any action as such, the complainant had to file a private complaint. Filing of such complaint against Manjit Singh, Sukhwinder Kaur and Kirandeep Kaur appears to have been done as a pressure tactics, since as has been noticed in cases of matrimonial disputes, there is a tendency on the part of the aggrieved wife to rope in as many relatives of the husband as possible.

As such filing of complaint by the complainant against the petitioners seems to be an abuse of the process of law and the said complaint qua the petitioners alongwith ancillary proceedings qua the petitioners is bound to be quashed.

Therefore, the petition is accepted and the complaint titled as 'Gurpinder Kaur vs. Gurjit Singh and others' dated 11.12.2012 pending in the Court of CJM, Mansa, qua the petitioners alongwith ancillary proceedings including summoning order are ordered to be quashed.

12.7.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No