

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

**CRM-M No. 479 of 2016 (O&M)**  
**DATE OF DECISION :- August 14, 2018**

**Sukhchain Kaur and another** ...Petitioners

## Versus

**State of Punjab and another** **...Respondents**

**CRM-M No. 9087 of 2018**

**Harjinder Kaur** **...Petitioner**

## Versus

**State of Punjab and another** **...Respondents**

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

**Present:-** Mr. Kirat Pal Dhaliwal, Advocate for the petitioners.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. A.S. Khinda, Advocate for respondentno.2.

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My this order shall dispose of two petitions bearing CRM-M No. 479 of 2016 filed by Sukhchain Kaur and Balraj Singh and CRM-M No. 9087 of 2018 filed by Harjinder Kaur.

The petition bearing CRM-M No. 479 of 2016 under Section 482 Cr.P.,C. for quashing of F.I.R. No. 2 dated 20.1.2015 and other subsequent proceedings arising there from has been filed by petitioner

Sukhchain Kaur, aged about 39 years, daughter of S. Amrik Singh, resident of Amritsar and Balraj Singh, aged about 37 years son of S. Amrik Singh, who are accused in the said F.I.R.

Briefly stated the facts of the case as per prosecution story are that complainant Sukhjinder Kaur had submitted a written complaint dated 14.10.2014 to the police against her husband Kanwaljit Singh, mother-in-law Harjinder Kaur, sister-in-law Sukhchain Kaur, brother-in-law Balraj Singh contending that she was married with Kanwaljit Singh son of Sh. Amrik Singh on 5.2.2006 at Windsor Palace, Phagwara. At the time of marriage her father had given considerable dowry articles including gold jewelry items, however, her in-laws family was not happy with the same and they used to beat her up on the one pretext or the other. She was thrown out of the matrimonial home on 9.8.2009 after giving beatings and thereafter she went to her parents house, however, the matter was compromised, she returned to the matrimonial home. She gave birth to two sons, elder one on 2.11.2006 and younger one on 25.3.2010. She levelled allegations of maltreatment, harassment and torture at the hands of her husband and in-laws family on account of demand of more dowry.

On the basis of that complaint the matter was enquired into. Formal F.I.R. was registered. The investigation was conducted. After completion of investigation and other formalities the challan against accused Kanwaljit Singh, Sukhchain Kaur and Balraj Singh has been filed in the Court.

On notice, the respondent put in appearance. Respondent no. 1 filed formal reply to the petition.

It is contended that petitioners had filed petition bearing CRM-M-21663 of 2015 which was later on dismissed as not pressed on 9.7.2015 in the High Court. They had concealed filing of petition bearing CRM-M-43173 of 2014 which was dismissed by this Court on 3.11.2015. Challan has been filed. Charge has been framed. The trial is going on and two prosecution witnesses have been partly examined. Accused Kanwaljit Singh has been declared to be a proclaimed offender vide order dated 11.1.2016.

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

After hearing the rival contentions, I find that there is no merit in the petition. A perusal of the F.I.R. in question goes to show that petitioners are specifically named therein and criminal acts which prima facie fulfill the ingredients of offences under Sections 406/498-A IPC have been attributed to them. As such it cannot be said that F.I.R. does not show commission of any cognizable offence qua the petitioners.

After registration of the F.I.R. the matter was investigated. The investigating agency found enough evidence to challan the accused. Therefore, challan was filed against them in the Court of competent jurisdiction. After filing of challan giving due consideration to the matter, formal charge has been framed against both the accused and trial against them is going on. Whole process cannot be termed as an abuse of process of law. The guilt of the accused shall be determined during the trial, therefore, I do not find any reason to quash the F.I.R. and all the proceedings arising therefrom. The petition being without any merit stands dismissed. However, since petitioner Sukhchain Kaur is stated to be a young girl of 27 years and

petitioner Harjinder Kaur, an old aged women of 72 years suffering from several ailments, it is directed that after they put in appearance in the trial Court and move an application for exempting their personal appearance, the trial Court would exempt personal appearance of these petitioners subject to the condition that they would be represented by their counsel, their identity shall not be disputed, and no adjournment shall be sought for the reason of their identification. The trial Court may direct them to appear in the Court, if their appearance is found to be necessary.

**(H.S. MADAAN)**  
**JUDGE**

**August 14, 2018**

*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No