

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

(1) CRM-M-8020-2015

Baljinder Kaur and another

...Petitioners

Versus

State of Punjab and another

...Respondents

(2) CRM-M-35827-2015

Gurmeet Kaur and another

...Petitioners

Versus

State of Punjab and another

...Respondents

Date of Decision:-3.8.2018

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

Present: Mr.Gurcharan Dass, Advocate
for the petitioners.

Mr.Dhruv Dayal, Sr.DAG, Punjab.

H.S. MADAAN, J.

By this order, I shall dispose of two petitions i.e. CRM-M-8020-2015 filed by petitioners Baljinder Kaur and Kartar Kaur(petition qua petitioner No.2 Kartar Kaur dismissed being not pressed) and CRM-

M-35827-2015 filed by petitioners – Gurmeet Kaur and Guljinder Singh seeking quashing of FIR No.142 dated 11.9.2013, under Sections 498-A, 406 IPC, registered at Police Station Sadar, Kotkapura, District Faridkot, and subsequent proceedings arising therefrom.

The FIR in this case was got lodged by complainant Hardeep Kaur daughter of late Chand Singh, a resident of village Dhudhi, Tehsil and District Faridkot by moving an application to the police seeking taking of action against her husband Harbhajan Singh, father-in-law Ajmer Singh, mother in law Kartar Kaur, brother in law(devar) Gulinder Singh, all residents of village Majri, Tehsil Jagraon, District Ludhiana as well as Balvir Singh, Gurmeet Kaur wife of Surjit Singh and Baljinder Kaur wife of Balwinder Singh relatives of her husband. *Inter alia* in the complaint to the police, the complainant submitted that Balwinder Singh was go-between for marriage of the applicant with Harbhajan Singh; that at that time, it was told that Harbhajan Singh was having permanent visa of Italy and the family had 10 killas of land and further after the marriage Harbhajan Singh would call the complainant to Italy within six months; that family of the complainant had given sufficient dowry articles at that time, details of which are there in the complaint. According to the complainant, after the marriage, she learnt that Harbhajan Singh was not having permanent visa of Italy and the family had land to the extent of 7 Kanals only; that during absence of Harbhajan Singh, his family members used to harass and taunt the complainant on one pretext or the other so as to force her to bring more dowry articles; that the complainant had given birth to a female child on 27.9.2010 and all the expenses were borne by

her mother. The details of the maltreatment of complainant at the hands of the accused, demands of dowry raised from her and accused not handing over her ISTRIDHAN articles to her despite being demand are given. After completion of investigation, challan has been prepared and filed in the Court.

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

Learned counsel for the petitioners has contended that the FIR lodged against the petitioners is nothing but abuse of process of law and as has been noticed by the Apex Court even in case of matrimonial dispute, there is tendency of rope in maximum members of the family of husband while lodging of FIR for the offences under Section 406 and 498-A IPC. In this case also, it has been so done by the complainant. Besides her husband, the complainant has named her parents-in-law, sisters and brothers of her husband etc. Baljinder Kaur is elder sister of Harbhajan Singh, who was married in the year 1991 to Balwinder Singh and she has no connection with day to day life of his parents family after she was married. Similarly Balvir Singh and Gurmeet Kaur have been roped in, on account of being relatives of her husband by the complainant. Therefore, FIR qua them be quashed.

On the other hand, learned State counsel has submitted that there are clear and specific allegations against the petitioners in the FIR and after completion of investigation, challan has been prepared and filed in the Court. Therefore, no ground is made out to quash the FIR.

After hearing the rival contentions, I find that the petitioners

are specifically named in the FIR and criminal acts have been attributed to them, which go to show commission of cognizable offences i.e. under Sections 406 and 498-A IPC. The very fact that after completion of investigation, challan has been prepared against them and filed in the Court goes to show that the police was able to collect evidence against them so as to forward them to face trial. The guilt of the accused shall be determined during the trial. At this stage, in my view quashing of FIR is not called for. The petitioners can take all the pleas available to them in the trial Court. Therefore, in my considered view, no ground is made out to accept the petitions and quash the FIR along with ancillary proceedings.

Finding no merits, both the petitions stand dismissed.

However, in view of the request made by learned counsel for the petitioners, it is directed that in the event of petitioners moving applications for exemption from personal appearance, the same be allowed, subject to the condition that petitioners shall be represented by the counsel; the identity of the petitioners shall not be disputed; the counsel shall not seek any adjournment for the reason of petitioners being not present in the Court and the petitioners shall appear in the Court as and when so directed by the trial Court when their presence is required.

3.8.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No