

CRR No.1369 of 2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.1369 of 2018 (O&M)

Date of decision: 05.07.2018

Pooja Verma

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Dishant D. Tuteja, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 401 Cr.P.C., petitioner seeks setting aside of the impugned order dated 16.01.2018 (Annexure P2) passed by Additional Sessions Judge, Panipat in case FIR No.121 dated 10.09.2016 under Sections 328,498-A and 506 read with Section 34 IPC, Police Station Bapoli, District Panipat, whereby application under Section 319 Cr.P.C. for summoning of the mother-in-law, sister-in-law and brother-in-law of the petitioner as additional accused was dismissed.

In nutshell, according to the petitioner, her husband Mukesh lodged her missing report. During investigation, she was traced from Haridwar (U.P.) and was produced before the Area Magistrate, where her statement under Section 164 Cr.P.C. was got recorded, wherein, she alleged that on 09.09.2016, while she was going to her college, her husband met her at Bapoli Bus Stand and instructed her to meet at Sanjay Chowk Panipat, where they met. Thereafter, her husband took her away to some unknown place, where her sister-in-law Meena and brother-in-law Rakesh were

CRR No.1369 of 2018

already present. They quarreled with her, pressurized to divorce her husband Mukesh and threatened her with dire consequences. All of them, gave her beatings, administered some stupefying substance and got her signatures on blank papers on account of which, she remained semi unconscious. Finally, at about 3.30 pm, she found herself at the bus stand of Haridwar (U.P.). Some passersby informed her father about her on telephone. On the basis of her statement, the police filed a final report under Section 173 (2) Cr.P.C. against her husband Mukesh and father-in-law Tara Chand only, declaring sister-in-law, mother-in-law and brother-in-law of the petitioner as innocent. During trial, she moved an application under Section 319 Cr.P.C. to summon the aforesaid persons as additional accused which, after hearing both the sides, was dismissed vide order dated 16.01.2018.

Learned counsel for the petitioner contends that trial Court has wrongly relied upon the ration card of brother-in-law of the petitioner inasmuch as he was residing in the matrimonial house of the petitioner itself showing his separate residence. Mother-in-law of the petitioner is also residing in the same house. Both the persons actively participated in the commission of crime. Trial Court failed to appreciate that the statement of the petitioner was throughout consistent about the role of sister-in-law and brother-in-law, who were sought to be summoned as additional accused.

Having given considerable thought to the submission made by learned counsel for the petitioner, this Court finds no merit in the present petition for the reasons that sister-in-law of the petitioner is, admittedly, married and residing at a different place. Similarly, brother-in-law of the petitioner is also, admittedly, married and is having his own family. Therefore, it is not believable that a married person having children would help his brother-in-law for committing any illegal activities. Mother-in-law of the

CRR No.1369 of 2018

petitioner is a household and old lady. Her presence at the spot, leaving the house unattended, is also not believable.

It seems that the petitioner, who wants to take revenge, has tried to falsely implicate all the family members of her husband, despite the fact that her husband and father-in-law are already facing trial. In the absence of any corroborative evidence, the presence of the mother-in-law, brother-in-law and sister-in-law of the petitioner at the spot is doubtful. No interference is warranted in the impugned order (Annexure P2).

Consequently, the petition is dismissed.

(RAMENDRA JAIN)
JUDGE

July 05, 2018
Ishwar

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No