

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

**CRM-M-10543-2019 (O&M)
Date of Decision: 8.3.2019**

Harpreet Kaur

.....PETITIONER(s).

VERSUS

State of Punjab and another

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Dr. Mewa Singh, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J.

This is a petition under Section 482 of the Code of Criminal Procedure for quashing the summoning order dated 6.6.2018 passed by Judicial Magistrate, 1st Class, Patiala vide which the petitioner has been summoned on the application filed by the complainant under Section 319 of the Code of Criminal Procedure as also order dated 4.8.2018 passed by learned Additional Sessions Judge upholding the aforesaid order of summoning.

This Court would like to reproduce the relevant part of the statement of Paramjit Kaur (Annexure P-3) as under : -

“.....My husband who used to stay at New Zealand and before marriage, he used to say that he will also take the complainant abroad by preparing her documents. Kultej

Singh came to India 10-15 before the marriage and again went to New Zealand after 10-15 days of the marriage. I stayed at my matrimonial home for about one month where I was harassed and humiliated for dowry by my in-laws. Darshan Singh, Paramjit Kaur, Harpreet Kaur started demanding dowry. On 19.11.2013, Kultej Singh came back to India and demanded a sum of Rs. 8 lacs from the complainant to take her abroad along with him. On 29.11.2013 I withdrew a sum of Rs.8 lacs from my bank which is in Punjab National Bank, Masingan and gave it to Kultej Singh and his family members. On 14.01.2014 the accused Kultej Singh went to New Zealand via Ambala. Thereafter, accused Darshan Singh and Paramjit Kaur started demanding a sum of Rs. 30 lacs from me to purchase a house in Ambala. On which I told to my in-laws that her parents have already sufficient dowry articles as per their demand and now they are not able to give a sum of Rs. 30 lacs. On which the accused persons started harassing and humiliating me and used to beat and taunt me. On 05.02.2014 I was thrown out of my matrimonial house by my in-laws in three clothes and told that if you want to come back then bring Rs. 30 lacs otherwise no need to come. Thereafter, I narrated the whole story to Kultej Singh telephonically in New Zealand. Thereafter, my brother Ranjot Singh transferred a sum of Rs.6,62,200/- to the account of my brother-in-law Parminder

Singh. Parminder Singh also lives in New Zealand. Parminder Singh withdrew the said amount and gave it to Kultej Singh. After that I went to my matrimonial home with the thinking that now everything will get better. But, inspite of this they again started harassing me and started demanding Rs. 30 lacs. I contacted with my husband Kultej Singh and he also told me to fulfill the demand of Rs. 30 lacs. Except than my husband my in-laws family members kept harassing me for fulfilling the demand of Rs.30 lacs and used to beat me. They used to say me that if you cannot fulfill our demand then take divorce. On 08.10.2016 the accused Darshan Singh, Paramjit and Harpreet Kaur in connivance with each other again gave beatings to me and thrown me out of the home and told that after getting Rs. 30 lacs from your parents then only you can come back.....”

A bare perusal of the aforesaid statement of the complainant transpires that a strong *prima facie* case is made out against the petitioner to face trial and at this stage, version of the complainant cannot be discarded.

The Hon'ble Supreme Court in **State of Haryana and others v. Ch. Bhajan Lal and Ors.**, 1992 AIR (SC) 604 has made the following observations:-

“In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of

decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

1. Whether the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

2. Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156 (1) of the Code except under an order of a Magistrate within the purview of Section 155 (2) of the Code.

3. Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

4. Whether, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155 (2) of the Code.

5. Where the allegations made in the F.I.R. or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

6. Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

7. Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

No case is made out for interference by this Court and the impugned order does not suffer from any illegality, infirmity and irregularity.

Dismissed.

However, nothing expressed above shall affect the merits of the case.

March 8, 2019
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>