

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

CRR No.779 of 2019.

Decided on:- April 04, 2019.

Balkar Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. A.S. Khosa, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present criminal revision against the order dated 10.01.2019 passed by learned Additional Sessions Judge, Fazilka, whereby the application under Section 216 Cr.PC filed by the prosecution seeking alteration of charges from Section 306 IPC to Sections 302, 304-B and 498-A IPC, was dismissed.

Briefly stated, FIR No.40 dated 09.03.2015 under Section 306 IPC was registered against respondent No.2-accused Gurbachan Singh alias Charanjit Singh at Police Station Sadar Fazilka on the basis of statement of petitioner-complainant Balkar Singh. As per the FIR, Santosh Rani daughter of the petitioner was married with respondent No.2 in the year 2014. However, she committed suicide on 09.03.2015. As per the complainant, respondent No.2-accused had reported the complainant that Santosh Rani

(since deceased) did not know the household work, for this reason, fight started between them. The complainant was called by Santosh Rani to village Maujam and the complainant brought her back to his house. Thereafter, respondent No.2 had taken Santosh Rani back to the matrimonial home. Again, the quarrel took place in their family and Santosh Rani was given beatings on the ground that she did not know the household work.

After registration of the FIR, the petitioner had filed a criminal complaint on 04.06.2015 before the Illaqa Magistrate under Sections 302, 304-B, 498-A and 120-B IPC making allegations of demand of Rs.50,000/- or a motorcycle and the dowry articles are of poor quality. However, in the said complaint, learned Additional Chief Judicial Magistrate, Fazilka vide order dated 09.01.2018 did not find sufficient ground so as to summon the accused for any offence, for want of maintainability. Accordingly, the complaint was dismissed.

Learned counsel for the petitioner-complainant has argued that the petitioner had informed the police about the demand of dowry by the accused from his daughter Santosh Rani (since deceased), but this fact was intentionally ignored by the police. This fact was not recorded in the F.I.R. In fact, the police is hand in glove with respondent No.2-accused.

I have heard learned counsel for the petitioner.

The impugned order dated 10.01.2019 passed by the trial Court, whereby the application under Section 216 Cr.P.C. for alteration of the charge was dismissed, does refer that the case was registered on the basis of application filed by the petitioner-complainant on 09.03.2015 and perusal

thereof, nowhere even remotely, suggests the commission of offence under Sections 302, 304-B and 498-A I.P.C. for which charges are sought to be framed against the accused. In his complaint, the petitioner made allegations against respondent No.2 and his family members that they used to harass his daughter Santosh Rani as she did not know the household work. It is thereafter, the ground of demand of dowry was pleaded in the complaint, which was dismissed by learned Magistrate on 09.01.2018.

Interestingly, after marriage, Santosh Rani had been visiting the house of the complainant on various times but no such allegation was made. Had she been subjected to harassment on account of insufficient dowry, she must have shared this fact with the petitioner-complainant, but there is no such averment in the F.I.R. that she ever stated the fact that she was harassed on account of demand of dowry.

Therefore, this Court does not find any illegality in the impugned order dated 10.01.2019 passed by the trial Court, which may warrant interference by invoking the revisional jurisdiction of this Court.

Accordingly, affirming the impugned order dated 10.01.2019 passed by learned Additional Sessions Judge, Fazilka, present criminal revision, being devoid of any merit, is dismissed.

April 04, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No