

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

**CRM M-34006 of 2016
Date of Decision: October 03, 2019**

Vikramjeet		Petitioner
	Versus	
State of Punjab and others		 Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Jagjot, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

This petition under Section 482 Cr.P.C. has been filed by petitioner Vikramjeet brother of Vanshikha (since deceased), wherein, the petitioner had sought directions to official respondents to investigate and register FIR against private respondents No. 4 to 8 for the murder of his sister.

Heard Mr. Jagjot, learned counsel for the petitioner and Mr. Pawan Sharda, Sr. DAG, Punjab and perused the records.

As is there on the records, the deceased was married to respondent No.4 Mandeep Syal @ Rinku, who

happens to be son of respondent No.5 Veena Rani whereas other private respondents are close relatives of the husband of the deceased. Undisputedly, the petitioner claims that on 05.08.2009, they had given sufficient dowry articles/cash and costly ornaments at the marriage but the accused were not happy and were expecting a car instead. It is further alleged by the petitioner that as per the demand of the private respondents, they had been paying money to the private respondents to ensure that the sister was not physically and mentally tortured by the private respondents on account of more demands. The petitioner claims that on 03.06.2010, the accused had physically assaulted his sister, regarding which, she was medico-legally examined but on the asking of the private respondents for forgiveness, they did not initiate any action. The deceased during the course of her matrimony, conceived in the year 2012 and it is alleged that due to wrong administering of medicines intentionally, she got aborted in the month of May 2012 and, thereafter, again demand of cash was raised and in the month of August, 2014, sister of the petitioner was again thrown out of the matrimonial home on account of being unable to fulfil the demands of the husband and in-laws. It is, thereafter, revealed that the deceased had both her kidneys damaged and claimed that it was on account of the intentional wrong administration of

the medicines, and thus, sought to seek indulgence of this Court for issuance of directions to the official respondents to investigate the matter on that score.

The official respondents in their reply took the stand that it was on the complaint of Vanshikha made on 15.04.2015, an FIR No. 53 dated 20.05.2015 under Sections 498-A and 406 IPC with Police Station Women Cell Ludhiana was got registered by them. It was averred by the official respondents that the matter was duly investigated and, thereafter, challan was submitted and the accused are under trial and, therefore, denied the averments of the petitioner.

Going through the submissions, the marriage has come about in August 2009. The allegations state that on 03.06.2010, the deceased was thrown out of her matrimonial home for the first time and secondly in the month of August 2014. The deceased, as per the own documents of the petitioner by way of postmortem report remained admitted in Rana Charitable Hospital, Ludhiana from 3rd July 2016 and died on 07.07.2016. The FIR by Vanshikha against the husband and the in-laws had come about on 20th May 2015. When it is the own stand of the petitioner that in August 2014, Vanshikha had been thrown out permanently from her matrimonial home and her death has taken place on 07th July 2016 after almost 2 years

certainly is a yawning gap and which needs to be satisfactorily explained that this death was an outcome of act and conduct of the husband and the in-laws initially in administering the medicines, which has resulted in multiple organ failure and death of the deceased. In spite of petitioner's counsel having been questioned of any such evidence worth name to support the claim, the counsel showed his helplessness in the matter. Had it been so at the time of the registration of the FIR on 20.05.2015 Vanshikha certainly would have detailed it so in her allegations, which is not so. Thus, to the mind of this Court, it is nothing but a belated subsequent afterthought. Though, it is claimed by Vanshikha at the time of her testimony in the trial Court as CW1 and, therefore, being a case under trial, it would not be appropriate for this Court to take cognizance of the averments made in this petition, for which, the petitioner is well within his right to invoke the jurisdiction of the trial Court under the appropriate provisions of law. There being no merits in the petition, the same stands dismissed.

October 03, 2019

amit rana

(FATEH DEEP SINGH)**JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No