

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-40907 of 2016

Date of Decision: 14.08.2019

Sushma Rani

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present:- None.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 CrPC is for issuance of appropriate directions to respondent no.1 for getting a free and fair investigation in the representation Annexure P-1 submitted by the petitioner.

As per reply filed by way of affidavit of Pritpal Singh, PPS, Deputy Superintendent of Police, Sub Division, Malerkotla, District Sangrur, on behalf of respondents no.1 and 2, the petitioner submitted his representation dated 17.09.2016 to Senior Superintendent of Police, Sangrur, which was entrusted to Incharge, Sanjh Kendar, Malerkotla (respondent no.4).

The enquiry officer conducted an enquiry by associating the petitioner-Sushma Rani, Manpreet Kaur w/o Amritpal Singh (daughter of Sushma Rani) and Narinder Kumar s/o Jagdish Kumar. The statements of

witnesses were recorded and from the enquiry, it was found that the petitioner has four daughters. Manpreet Kaur d/o of the petitioner-Sushma Rani is 5th class pass and the petitioner were having family relations with Murti w/o Vijay Kumar, Caste Pandit, resident of Rajindrapuri and Amritpal s/o Karam Chand, Caste Pandit was earlier married with Ramandeep Kaur d/o Lila Ram, Caste Pandit. Ramandeep Kaur was MA qualified. Amritpal Singh being less educated, Ramandeep Kaur went back to her parents only after 2 days of the marriage and after that, she never came back to her in-laws house at Kanjhla. However, with the intervention of the respectable persons, a Panchayati compromise was effected between both the families. Karam Chand father of Amritpal Singh asked his sister Gurjit Kaur, who is married with Gurjant Singh s/o Surjit Singh r/o Gaggarpur, to find some other girl for Amritpal Singh. Then, Gurjant Singh asked Murti to find out some suitable girl for Amritpal Singh. Murti and her husband Vijay Kumar met the parents of Amritpal Singh, whereupon, his father Karam Chand told them that they have five killas of land and have no demand of dowry. They also apprised them about the first marriage of Amritpal Singh. Murti and husband Vijay Kumar by taking Sushma Rani and her husband Narinder Kumar along introduced Amritpal Singh to them and disclosed about his first marriage also. Because of the occupation of Amritpal Singh and no demand of dowry, the petitioner and her husband invited Amritpal Singh to their house at Malerkotla on 26.06.2016 to show the girl. On 26.06.2016, Amritpal Singh along with his parents, near and dears and mediator Murti and her husband Vijay Kumar went to the house of the petitioner and after seeing the girl Manpreet Kaur,

they agreed for the marriage and asked to take the girl with the ceremony of *Chunni*. With the consent of both the families, *Anand Karz* of Manpreet Kaur and Amritpal Singh was performed in Gurudwara Singh Sabha Satta Bazar, Malerkotla on 26.06.2016 and they took Manpreet Kaur to the village Kanjhla. The gold and silver ornaments, which were prepared for earlier wife of Amritpal Singh, were given to Manpreet Kaur. After about 20 days of the marriage, the petitioner and her husband visited the matrimonial home of their daughter and gave one sofa set, one bed and some clothes to their daughter as *Istri Dhan* at their own sweet will. On 26.08.2016, the petitioner and her husband brought Manpreet Kaur to their house at Malerkotla for 10 days and from that very day onwards, she was living with them. Manpreet Kaur also brought the gold and silver ornaments presented to her by her in-laws at her parental home at Malerkotla.

During enquiry, it also came to light that Amritpal Singh was not taking any intoxicant substance, however, sometimes he used to take drinks. He even took drink two times in his in-laws house also. Due to this reason, the petitioner and her family were in trouble, whereupon, they submitted an application against the private respondents. Amritpal Singh had gone from his house on 30.11.2016 and did not come back, due to which, he could not be associated in the enquiry. However, nothing with regard to demand of dowry, not disclosing the fact of earlier marriage of Amritpal Singh or giving beatings to Manpreet Kaur by her in-laws family came to light. The applicant party when asked to produce any witness other than their family member, they failed to do so. The applicant party is

aggrieved by consumption of liquor by their son-in-law Amritpal Singh and due to this reason, they do not want to send their daughter Manpreet Kaur to her matrimonial home. Amritpal Singh has also filed a petition for Restitution of Conjugal Rights against Manpreet Kaur, which is pending.

Apart from the representation (Annexure P-1) moved by the petitioner, Manpreet Kaur d/o of the petitioner had also submitted a representation dated 08.11.2016 to the SSP, Sangrur and the same was entrusted to DSP, Malerkotla, who got an enquiry conducted through SHO, P.S. City-II, Malerkotla. The enquiry was conducted by associating the applicant and her statement was also recorded on 13.11.2016, in which, she has stated that in the earlier enquiry conducted by Incharge, Sanjh Kendar, Malerkotla, she was not given justice, due to which, she has filed a petition before the High Court. Therefore, she did not press her application, which was consigned to record. SHO, P.S. City-II, Malerkotla submitted report dated 16.11.2016 that no action is required to be taken on the application submitted by the applicant. Accordingly, the matter was seen and filed by the SSP, Sangrur on 02.12.2016.

Thus, an impartial, fair and detailed enquiry has been conducted into the matter. However, the petitioner has failed to produce any solid proof or witness in support of the allegations levelled by her. No substance was found in the allegations made by the petitioner with regard to demand of dowry. The representation submitted by the petitioner has been looked into by the police authorities including SSP, Sangrur. In the detailed reply so submitted by the respondent-State the prayer of the

petitioner for a fair investigation has already been looked into meticulously.

Accordingly, no further direction is required to be issued in this case. The present petition is disposed of.

However, in case the petitioner is not satisfied with the outcome of the representation so submitted by her, she will be at liberty to avail appropriate remedy or challenge the same in accordance with law.

August 14, 2019

AK

(HARI PAL VERMA)

JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No