

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-4283 of 2016

Date of Decision: 28.05.2019

Sunita Sharma

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

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

Present:- Mr. Gulzar Mohd., Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Umesh Sharma, Advocate for
Mr. Karanjit Singh, Advocate for
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure, 1973 is for quashing of FIR No.41 dated 27.2.2015 under Sections 406, 498-A, 120-B IPC registered at Police Station Navi Baradari, District Jalandhar along with all consequential proceedings arising therefrom.

The aforesaid FIR was registered at the behest of respondent no.2-Nitika, whose marriage was solemnized with Rajiv Bhardwaj on 06.02.2013. The petitioner is sister in the *biradari* of accused no.1-Rajiv Bhardwaj, who is husband of the complainant-respondent no.2. The allegation against the petitioner is that she remained present in the marriage

of the accused-Rajiv Bhardwaj and complainant-Nitika and actively participated in the marriage and as when the petitioner used to visit the house of the complainant, she used to give beatings to her.

Counsel for the complainant states that the petitioner was instrumental in commission of atrocities upon the complainant and was in the habit of interfering in the day to day life of the complainant and her husband. She used to prompt the accused persons to demand dowry from the complainant.

Learned State counsel has argued that charges have already been framed in the case and the petitioner has been named as an accused in the challan and therefore, no interference is warranted at this stage, particularly when the matter is already pending consideration before the trial Court.

I have heard learned counsel for the parties.

The petitioner is from distant relations of the in-laws family and is not likely to be benefited from the dowry so demanded by the accused persons. She is stated to be residing in Village Virk, Tehsil Phillaur whereas the husband of the complainant and her in-laws are residing in Phagwara Town. Merely because the petitioner remained present during the marriage ceremony is not sufficient enough to state that she raised the demand of dowry. Tendency to involve as many relatives for the offence of dowry demand is on rise. Present is also one of such like cases where even a distant relative has been named as an accused in the case. Therefore, this Court finds that since the petitioner, who is sister in

the brotherhood (*biradari*) is not closely related to the accused persons, the present FIR deserves to be quashed *qua* her.

Accordingly, the present petition is allowed and FIR No.41 dated 27.2.2015 under Sections 406, 498-A, 120-B IPC registered at Police Station Navi Baradari, District Jalandhar along with all consequential proceedings arising therefrom are quashed *qua* the petitioner.

May 28, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No