

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-43704 of 2016 (O&M)
Date of decision : April 29, 2019

Rishi Chaudhary

....Petitioner

versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present: Ms Amandeep Soni, Advocate, for the petitioner
Mr. Saurav Khurana, DAG, Punjab, for the State
Mr. Kiran Kumar, Advocate, for respondent no. 2

Fateh Deep Singh, J. (Oral)

This petition has been preferred by Rishi Chaudhary an accused in case got registered by respondent no. 2 Monika bearing FIR No. 88 dated 15.11.2014 under Sections 406, 498-A, 380, 323, 34 IPC, Police Station Women Cell, Jalandhar.

The brief allegations levelled by complainant are that her marriage with one Dinesh Chaudhary was solemnized on 9.3.2012 wherein huge dowry was given as per the demand of the accused.

However, the accused in-laws were not happy with the same and demanded more dowry and on which pretext the complainant was harassed, humiliated, physically abused and ultimately demand of car was raised to which the complainant declined. The complainant was thrown out of her matrimonial home, leading to the registration of the present case.

The petitioner who happens to be brother of the husband of the complainant was found innocent. Upon recording of evidence of PW1 Monika complainant, on application of the prosecution complainant, vide impugned orders dated 9.5.2016, Annexure P/5, passed by learned Judicial Magistrate Ist Class, Jalandhar, the petitioner was summoned as an additional accused and hence the present petition.

Heard Ms Amandeep Soni, Advocate, for the petitioner; Mr. Saurav Khurana, DAG, Punjab, for the State; Mr. Kiran Kumar, Advocate, for respondent no. 2 and perused the records.

In the initial complaint by the complainant, specific allegations have come about against petitioner Rishi Chaudhary of harassment, beatings and demand of dowry. The complainant as PW1 has reiterated these allegations while testifying on oath. There is specific allegations of having given articles of Ishtridhan which are detailed in the list annexed with the complaint as Annexure PA.

Besides demand of more dowry, acts of physical abuse and mental torture are there, as has been pointed out by the respondents' side. There are even allegations against the accused for having made an attempt to strangle the complainant. Learned counsel for the petitioner could not put to doubt the veracity of these allegations as the same had initially come about in the FIR Annexure P/1 and is there in the evidence collected by the Investigating Agency and forms part of the report under Section 173 Cr.P.C. Further-more the complainant as PW1 has specifically levelled the allegation against each and every person so accused for the commission of the offence.

On behalf of the respondents reliance has been sought to be placed on **Hardeep Singh vs State of Punjab and others; 2014 (1) R.C.R. (Criminal) 623** where their Lordships of the Hon'ble Apex Court has held that even on the basis of Examination-in-Chief, the Court can proceed against a person as long as the Court is satisfied that the evidence appearing against such person is such that it *prima-facie* necessitates bringing such person to face trial and further held that power under Section 319 Cr.P.C. can be exercised at the stage of completion of examination-in-chief and court does not need to wait till the said evidence is tested on cross-examination. Though with much fanfare, counsel for the petitioner has sought to assail the

impugned orders dated 9.5.2016, Annexure P/5 but a close look at it shows that the court while passing the impugned findings has clearly held that the complainant had levelled specific allegations against Rishi Chaudhary and which is corroborated from the facts mentioned in the complaint of the complainant moved to the police which led to registration of the FIR and her statement before Court. Counsel for the petitioner could not convince this Court how there has been illegality or perversity in the findings of the court below which necessitates intervention by this Court to exercise this inherent powers to meet the ends of justice. Finding no merit, the present petition stands dismissed.

April 29, 2019**'tiwana'****(Fateh Deep Singh)
Judge***Whether speaking/reasoned ?**Yes/No**Whether Reportable ?**Yes/No*