

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

CRM-M-43216 of 2017.

Decided on:- March 08, 2019.

Inderjeet and another

.....Petitioners.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Ashok Arora, Advocate
for the petitioners.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. Ajit Singh Lamba, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

CRM-7757-2019

Prayer in this application filed under Section 482 Cr.PC filed by the applicant-respondent No.2 is for placing on record the photographs of the marriage ceremony as Annexure R-1 (colly).

The photographs of the marriage ceremony as Annexure R-1 (colly) are taken on record subject to all just exceptions.

CRM stands disposed of.

CRM-M-43216-2017

The petitioners have filed present petition under Section 482 Cr.P.C. for quashing of the FIR No.653 dated 10.07.2017 registered under

Sections 323, 498-A, 406 and 506 IPC at Police Station City Hisar (Annexure P-1).

The aforesaid FIR was registered at the behest of respondent No.2-complainant Deepika. The petitioners are her parents-in-law. As per the FIR, the complainant was married with Satish Sinwer, whereas her sister Neha was married with Amit Sinwer on 18.04.2014. The dowry articles were given as per demand of the accused persons and beyond the capacity of the complainant's family. Apart from the other expenses, Rs.21 lakh each were given to the accused as per their demand and 25 Tolas each gold jewellery was given to complainant Deepika and Neha which is in the custody of accused persons. At the time of Milni, blankets were given to the accused and other relatives. At the time of engagement, Rs.21,000/- and one gold ring each was given to the husbands of complainant (Deepika) and Neha. When the relation was settled, it was informed that accused Satish Sinwer (husband of the complainant) is a commercial pilot, whereas accused No.2 Amit Sinwer (husband of Neha) is an engineer. However, after the marriage, it was found that accused Satish Sinwer had taken training from Philippines, whereas accused No.2 Amit Sinwer had not taken even admission in the engineering college and rather, now he is pursuing his engineering degree from Guru Jambheshwar University, Hisar. After marriage, the complainant and his sister were made to harass by the accused persons which further aggravated with the passage of time. A demand of Fortuner car was made from the very beginning and the accused used to say that the car should have been given in the marriage, according to the status of the maternal uncle. The complainant

and his sister used to be taunted by the accused on one pretext or the other. There are allegations that the mother-in-law i.e. petitioner No.2 Saroj used to talk rudely and used to kick the complainant and her sister. In March, 2015, Neha was badly beaten by accused Amit Sinwer. However, when complainant Deepika tried to rescue her, accused Satish Sinwer, who was present there started beating Deepika. Accused even tried to administer pesticide forcibly to Neha, which otherwise fell down in hustle. The accused persons used to pressurize the complainant and her sister to withdraw money deposited in their bank account with the Punjab National Bank, Hisar, where money on account of scholarship also used to be deposited. In 2016, both the sisters have transferred the land which was in their name, in the name of their younger brother because this land had come to his share. However, when the accused had come to know about this fact, they gave beatings to both the sisters. In November, 2016, when Vikas, a friend of accused Satish was appointed as a Pilot in the Indigo, the accused persons pressurized the complainant to bring Rs.50 lakh from their home so that accused Satish can become a pilot. Even Ram Singh Godara, who is maternal uncle of accused Satish asked for money from Subhash Bishnoi uncle of the complainant on telephone on the plea that Satish will be able to get job with this money. On 12.12.2016, when the complainant came with her husband from Delhi after taking examination, the complainant called her younger brother to pick the complainant and her sister, who otherwise got late. For this reason, accused Satish started abusing the complainant and her family. He started beating the complainant at the railway station itself and because of the beating, there was

bleeding from the nose of the complainant, but still she tolerated with a hope that everything will go normal. The petitioner No.1 forcibly pulled the complainant on bed and tried to outrage her modesty. On 06.02.2017, accused Inderjeet (petitioner No.1 herein) called Neha sister of the complainant so as to give him a quilt and when she entered the room with a quilt, accused Inderjeet pulled her and tried to outrage her modesty. She screamed and came to the complainant and her mother-in-law (petitioner No.2 herein). The petitioner is a drunkard man. The accused continued to harass the complainant and her sister and used to pressurise them to bring a Fortuner car and Rs.50 lakh. Both the sisters were not even allowed to appear in their forthcoming examinations. Thus, there are serious allegations against the accused persons including the petitioners.

Learned counsel for the petitioners has argued that as per the FIR no offence is made out against the petitioners. The petitioners have never raised any demand asking the complainant to bring Rs.50 lakh that their son could become a pilot. There is no allegation of demand of dowry. No specific role has been attributed to the petitioners and the FIR is nothing but an abuse of the process of law.

On the other hand, learned State counsel on the strength of reply filed by way of affidavit of Jitender Singh, HPS, DSP, Law and Order, Hisar states that on the basis of the complaint moved by respondent No.2, the present FIR was registered against the accused persons at Police Station City Hisar. After registration of the case, the matter was enquired and the petitioners were exonerated, but on the basis of application moved by

respondent No.2, the matter was enquired by DSP, Headquarter, Hisar, who after going through the statements of witnesses and perusing the matter available on record found the involvement of the petitioners in the case. However, during the investigation, the offence under Section 354 IPC was deleted in the case. The petitioners have admitted in their disclosure statements that they have misappropriated the money received from the parents of respondent No.2 at the time of marriage. During investigation, the petitioners have been granted anticipatory bail vide order dated 22.09.2017 passed by learned Additional Sessions Judge, Hisar and after completion of investigation, report under Section 173 Cr.P.C. has been submitted before the Illaqa Magistrate on 25.09.2017 and now trial is pending in the court of Illaqa Magistrate, Hisar.

Learned counsel for respondent No.2-complainant has argued that after completion of investigation, report under Section 173 Cr.PC has been filed in Court against the petitioners and since the matter is under gaze of judicial scrutiny, the present petition for quashing of the FIR has been rendered infructuous.

I have heard learned counsel for the parties.

There are specific allegations of demand of dowry levelled against the petitioners. Even the photographs Annexure R-1 (colly) filed by respondent No.2-complainant show that dowry had exchanged between the parties which includes cash and jewellery. Further, the reply filed on behalf of respondent No.1-State shows that after registration of the case, the matter was enquired into and the petitioners were exonerated, but on the basis of an

application moved by respondent No.2-complainant, the matter was enquired by the DSP, Headquarter, Hisar, who after going through the statements of witnesses and perusing the matter available on record found the involvement of the petitioners in the present case. However, during investigation, the offence under Section 354 IPC was deleted as no such material was found against the petitioners. The petitioners have also admitted in their disclosure statements that they have misappropriated the money of dowry given at the time of marriage. Thus, the argument of learned counsel for the petitioners that the petitioners were found innocent by the police, cannot be accepted as the matter has been re-looked by DSP, Headquarter on the basis of an application moved by respondent No.2-complainant. Moreover, the investigation in the case has already been completed and the report under Section 173 Cr.P.C. has been submitted by the police in the court of Illaqa Magistrate, Hisar. Now, the petitioners along with other accused are facing trial in the case.

In view of the above, this Court finds that no ground is made out for quashing of the FIR in question and the present petition, being devoid of any merit, is dismissed.

March 08, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No