

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-39055-2019 (O&M)
Date of Decision:- 13.9.2019

Ravi Bala @ Neeru

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rahul Jaswal, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking setting aside of order dated 20.8.2019 passed by learned Additional Sessions Judge, Panipat whereby order dated 21.1.2019 passed by learned Judicial Magistrate 1st Class, Panipat, declining an application under Section 319 Cr.P.C. filed by the petitioner seeking summoning of Rajiv Mann, Seema and Narender Dangi so as to face trial along with other accused for offences under Section 498-A, 406, 323, 354, 506 IPC, has been dismissed.
2. The FIR was lodged at the instance of the petitioner wherein it has been alleged that she was married to Ravinder on 29.4.2005 and that her parents had given various gifts and articles of dowry at the time of marriage but her in-laws were not satisfied with the same and used

to harass her and taunt her for having brought less dowry. It is further alleged therein that since the petitioner could not bear a child, her mother-in-law as well as her sister-in-law (*nanand* Seema) started pressurizing her to develop illicit relations with her brother-in-law (*devar* Rajeev) and her other brother-in-law (*nandoia* Narender) so as to bear a child. Upon conclusion of investigation, the police filed challan against three of the accused i.e. the husband, father-in-law and mother-in-law of the complainant while the other accused were kept in column No.2. After framing of charges, statement of the complainant i.e. the petitioner was recorded wherein she reiterated the allegations as levelled in the FIR. Subsequently, an application was filed by the complainant/petitioner under Section 319 Cr.P.C. seeking summoning of the respondents Rajeev, Seema and Narender so as to face trial along with the remaining accused. The said application was however, declined vide order dated 21.1.2019 by learned Judicial Magistrate 1st Class, Panipat. The said order was challenged by way of filing a revision petition which also stands dismissed.

3. Learned counsel for the petitioner has submitted that since specific allegations have been levelled in the FIR and which have been reiterated by the complainant when she stepped into the witness box, the private respondents ought to have been summoned to face trial along with the remaining accused.
4. Having considered the aforesaid submissions and having perused the FIR and also copy of the challan and the statement, this Court finds

that an attempt has been made to rope in a large number of members of family of the petitioner's husband. The complainant has even gone to the extent of leveling allegation to the effect that her mother-in-law and sister-in-law forced her to establish physical relations with her brother-in-law i.e. her *devar and nandoia* so as to beget a child. Such kind of allegations coming from a lady i.e. Seema, asking another women to establish physical relations with her own husband is not digestible and is apparently an attempt on part of the complainant to rope in maximum number of members of her estranged husband's family. The investigating agency not having found any credible evidence to proceed against the private respondents kept them in column No.2. The statement made by the prosecutrix when she stepped into the witness box is almost on the same line as the said story putforth in the FIR which was not found creditworthy upon investigation. This Court does not find any infirmity in the impugned order so as to justify interference in the same.

5. There is no merit in this petition and the same is hereby dismissed.

September 13, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No