

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-42276 of 2019

Date of Decision: 01.10.2019

Dharampal

...Petitioner(s)

Versus

State of Haryana & others

...Respondent(s)

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

Present:- Mrs. Vikas Chaudhary, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 CrPC is for quashing the order dated 29.04.2019 (Annexure P-1) passed by learned Additional Sessions Judge, Kurukshetra and for issuance of directions to Chief Judicial Magistrate, Kurukshetra for modification of order dated 21.07.2018 (Annexure P-2) to the extent of framing of charge under Sections 420, 323, 120-B IPC and SC/ST Act in addition to Section 498-A and 406 IPC.

Learned counsel for the petitioner has argued that the trial Court has not framed charge against respondent no.2-accused under the SC/ST Act, despite there being sufficient evidence available to that effect. Moreover, the factum of impotency of the respondent no.2-Sikandar Lal

was also not disclosed at the time of his marriage with the daughter of the petitioner.

I have heard learned counsel for the petitioner.

So far as the allegation of the petitioner that the factum of impotency of respondent no.2 was not disclosed to the complainant at the time of marriage is concerned, the same is a matter of trial. Moreover, the trial Court has duly dealt with plea raised on behalf of the petitioner for framing of charge under the SC/ST Act and has come to the conclusion that in the given facts and circumstances, *prima facie* case under Sections 406 and 498-A IPC is made out. The complainant has failed to place any evidence on record to support his allegations to establish that accused committed the offence under the provisions of the SC/ST Act. The revisionary Court has also considered the arguments so raised by the complainant and did not find any illegality in the order passed by learned Magistrate dated 21.07.2018. The observations made by the revisionary Court read as under:-

“It is clear at the outset that the complainant Dharampal happens to be the father of Rooma. Rooma married with accused Sikander Lal. The complainant had made allegations of conspiracy to solemnize the marriage of his daughter with accused Sikander Lal by 16 persons including accused Sikander Lal and his parents and thus, allegedly cheated him and his daughter. He had alleged the accused Sikander Lal was impotent and he along with his parents ousted the complainant from the matrimonial house after misappropriating the dowry articles of daughter of complainant by making remarks against her caste. A bare perusal of the copy of report under Section 173 CrPC shows

that the complaint was investigated and the allegations were verified by Deputy Superintendent of Police, HQ, Kurukshetra. He on verification of the investigation, found the allegations of the complaint regarding treating the daughter of complainant with cruelty for demand of dowry by accused Sikandar Lal and his parents Pritam and Bharto Devi to be substantiated by evidence. Meaning thereby the other allegations of cheating and castiest remarks against the daughter of complainant as well as the allegations against the other persons named in the complaint, could not be verified to be true....”

In this view of the matter, this Court is not inclined to interfere in this petition.

Accordingly, the present petition is dismissed.

October 01, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No