

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-55884 of 2018 (O&M)
Date of decision : May 13, 2019

Kuldeep Singh and others

....Petitioners

versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. APS Luna, Advocate, for the petitioners

Fateh Deep Singh, J. (Oral)

Accused-petitioners Kuldeep Singh, Kuldeep Kaur and Sukhwinder Singh who happen to be the husband, wife and son inter-se had sought quashment of the present case got registered by way of FIR No. 80 dated 12.7.2018, under Sections 406, 498-A IPC, Police Station Sadar Nawanshahr.

Heard Mr. APS Luna, learned counsel for the petitioner and perused the records.

The case was got registered by complainant Prabhjot Kaur wife of accused non-applicant Sukhdev Singh son of above said

Kuldeep Singh. It is alleged that the couple was married on 14.3.2003 wherein the complainant's parents have given sufficient dowry articles, gold ornaments, clothes, household articles including one motorcycle and out of this wedlock a son was born in the year 2005. The wife has alleged that her husband was having amorous relations with one Amarpreet Kaur which led to the wife making a complaint and in between the husband who has gone to America had returned and a settlement was arrived at between the husband and the wife to sort out the complaint of the wife. It is alleged that subsequently in July, 2017 she was again maltreated by the accused side and was forced to renounce her matrimonial home alleging that the accused who were entrusted with the articles of Ishtridhan have usurped the same and refused to return back the same leading to the registration of the present case.

The contentions of learned counsel for the petitioners that the court below has wrongly framed the charges as no offence under any of the provisions of the IPC was made out, could not convince this Court when there has been specific allegations in Annexure P/1, the FIR of giving of dowry articles comprising of gold ornaments, household articles, motorcycle etc. and the subsequent admission in the various settlements that the complainant would be entitled to the return of these articles are illustrative of the same. The claim that

has sought to be raised that the territorial jurisdiction of the courts of SBS Nagar is ousted as the complainant is residing in Tehsil Rajpura, District Patiala is well negated by the latest ratio of Hon'ble the Supreme Court in **Rupali Devi vs State of UP and others, Criminal Appeal No. 71 of 2012, decided on 9.4.2019** and therefore, the same does not have much affect on this aspect. The prima facie allegations that are borne are of cruelty, harassment and usurping of articles of Ishtridhan. The claim of the petitioners who have sought to challenge the very necessary ingredients of these offences can only be adjudicated after the evidence is led at the trial. Counsel for the petitioners could not convince this Court how there has been miscarriage of justice or that to meet the ends of justice, this Court needs to exercise its inherent powers under Section 482 Cr.P.C. Apparently, the counsel could not convince this Court any prima facie necessity for this Court to show indulgence. There being no merit, the present petition stands dismissed at this threshold.

May 13, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No