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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 3366/2018 & CRL.M.A. 35522/2018

JASMINDER KAUR SABBARWAL Petitioner

Through: Mr Polanki Gowtham, Advocate.

versus

STATE GOVT. OF NCT OF DELHI & ANR. Respondents

Through: Mr Sunil Sarna, Ms Mamta Sarna and
Mr Pradeep Kataria, Advocates for R-
2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **01.11.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that FIR No.0102/2016 under Section 498A IPC, registered with PS Crime (Women Cell) Nanakpura and all proceedings emanating therefrom, be quashed.
2. The said FIR was registered at the instance of respondent no.2. The complainant was married to the petitioner's brother on 03.01.2010. The said marriage was solemnized in Jalandhar, Punjab and was registered on 11.03.2010 before the Tehsildar-cum-Registrar of Marriage.
3. Respondent no.2 had alleged that her husband and her in-laws had demanded dowry at the time of her marriage. She stated that she came to her matrimonial home in Phagwara immediately after her marriage and was subjected to taunts by her mother-in-law and sister-in-law (the petitioner).

She alleged that two weeks after her marriage, her husband had, under the influence of his mother, physically assaulted her. She stated that she returned back to her parental home on 17.01.2010, that is, after two weeks after her marriage. She further alleged that on 22.01.2010, her husband came to her paternal house to take her back. He stayed at the parental house and physically assaulted her on that date also. She stated that she returned back to her matrimonial home after ten days. The FIR in question does not indicate any other allegation against the petitioner. However, learned counsel appearing for the State states that subsequent to the registration of the said FIR, certain statements have been made. He states that a chargesheet has since been filed.

4. The petitioner had not joined the investigation and had also not appeared before the trial court. It is stated that she has been declared a proclaimed offender.

5. It is the petitioner's case that she is a permanent resident of Canada and had last come to India to attend her brother's wedding on 03.01.2010. She returned back to Canada on 23.01.2010 and has not visited India since.

6. The prayers, as sought for by the petitioner, cannot be granted as the FIR in question also contains allegations against other persons. However, it will be open for the petitioner to file appropriate application for recalling of the order declaring her to be proclaimed offender. It will be, thereafter, open for the petitioner to contest framing of charges against her.

7. Although, the petitioner has not challenged the order declaring her proclaimed offender in this petition, this Court considers apposite to direct that in the event the petitioner arrives in this country within the period of

four weeks from today for pursuing the matter she shall not be arrested or detained in connection with the FIR in question for a period of four weeks, thereafter. This is to enable her to move appropriate applications before the trial court. The learned counsel appearing for the complainant also states that he has no objection in this regard.

8. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

NOVEMBER 01, 2019
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