

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1279-2018 (O&M)

Date of Decision : January 24, 2020

Ranjit KumarPetitioner

Versus

Radha Krishan Sharma..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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Present: Mr. P.S.Hundal, Sr. Advocate with
Mr. Dinesh Trehan, Advocate
for the petitioner.

Mr. Daygeesh Kumar Bhatti, Advocate
for the respondent.

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MANJARI NEHRU KAUL, J.

Prayer in the instant petition is for quashing of Complaint No.
COMA-215/2017 dated 20.04.2017 (Annexure P4) titled as “Radha Krishan
Sharma v. Vivek and others” along with summoning order dated 15.07.2017
(Annexure P5).

The case of the complainant in brief is that the marriage of her
daughter-Sonia Sharma was solemnized with accused-Vivek on
24.12.2012. The petitioner who is the maternal uncle of accused-Vivek had
initiated the marriage proposal between the parties. At the time of marriage,
sufficient dowry along with other expensive articles including gold was
given to the accused persons. As the accused were dissatisfied with the

dowry given at the time of marriage, they subjected the daughter of the

complainant to physical assault and would pressurize her to get more dowry. After three weeks of the marriage, accused No.1 i.e. the husband along with accused No.3 and 4 i.e. the mother-in-law and father-in-law respectively, of the daughter of the complainant, left for Australia. The complainant's daughter returned to her parental home at Jalandhar and started residing there. Finally, on 17.10.2013 the complainant's daughter went to Australia where the behaviour of the accused continued to be cruel towards her and they continued making demands of Rs.10 lakhs from her. As the complainant was unable to fulfil the aforesaid demand, the daughter of the complainant was ousted from her matrimonial home on 26.01.2016 and ever since then had been living all by herself in a rented accommodation in Australia. All efforts made by the daughter of the complainant to talk and sort out the differences with the accused-husband proved futile. It was in this background that the complainant moved the aforesaid complaint. As far as the petitioner herein is concerned, in the complaint moved by the complainant under Section 406, 498-A IPC there are specific allegations levelled against the petitioner who admittedly is the maternal uncle of accused-husband and based in Amritsar, India. As per the complainant, the petitioner called her in the month of December 2015 and demanded Rs.10 lakhs by threatening her that in case she wished her daughter to continue living in Australia and not return to India, then she should pay Rs.10 lakhs as demanded by the in-law's family. Not only this, in the complaint there are specific allegations that before accused No. 1, 3 and 4 i.e. husband, mother-in-law and father-in-law respectively left for Australia, they handed over all the dowry articles which were given by the complainant at the time of marriage to the petitioner. All efforts of the

complainant to reason out with the accused, including the petitioner, bore no fruit. It was in this background that she was left with no other option but to move a complaint under Sections 406, 498-A IPC. After recording of preliminary evidence and other material on record the court found that there were sufficient grounds to summon all the accused persons including the petitioner herein for offences punishable under Sections 406, 498-A IPC.

I have heard learned counsel for the parties and gone through the impugned order.

The learned senior counsel has vehemently urged that the only role that the petitioner herein had in the entire marriage was that of a mediator and there were only vague allegations levelled against the petitioner which clearly revealed that since the co-accused were based in Australia and he being the only relative in India, he had been deliberately dragged into the net by the complainant. Learned senior counsel has placed reliance upon the judgment of the Supreme Court in *State of Punjab v. Gurmit Singh* 2014 (5) SCC (Cr1) 249 and urged that the essential ingredients of Section 498-A IPC were clearly amiss as the petitioner, who admittedly is the maternal uncle of accused No.1, could not be said to be a relative of the husband, being not related to him by blood, marriage or adoption as was held in the aforesaid case.

Learned counsel for the respondent, on the other hand, has submitted that there are specific allegations against the petitioner as also allegation of entrustment of dowry articles to him for which he has rightly been summoned by the court vide impugned order dated 15.07.2017.

A perusal of the contents of the complaint dated 20.04.2017 (Annexure P4) clearly reveals that before accused No. 3 and 4 i.e. the

parents-in-law, of the daughter of the complainant left for Australia, all the jewellery including the gold set and four gold bangles had been entrusted to the petitioner. All the witnesses examined by the complainant reiterated the allegations levelled in the complaint qua the demand of dowry and also the istri dhan which had been entrusted to the petitioner by the co-accused before they left India for Australia. Not only this, when the petitioner was asked to return the istri dhan by the complainant, he refused to do so. The contention of the learned counsel for the petitioner that the mischief of Section 498-A IPC is not attracted qua the petitioner as he was not and could not be termed as a relative of the husband is bereft of any merit. The reliance placed by the learned senior counsel on ***Gurmit Singh's case (supra)*** is totally misconceived and would be of no help to the petitioner. In ***Gurmit Singh's case (supra)*** the Supreme Court held that the paternal aunt's(Chachi) brother could not be said to be a relative. However, in the instant case the petitioner is a blood relative of the husband through his mother and hence falls within the ambit of 'relative' as provided for, in Section 498-A IPC.

In view of the above, this Court does not find any ground to interfere in the well reasoned order dated 15.07.2017 (Anneuxre P5). Consequently, this petition is dismissed.

24.01.2020
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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No