

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRR No.715 of 2020
Date of Decision.05.03.2020**

Kusum

...Petitioner

Vs

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

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JAISHREE THAKUR J. (ORAL)

The petitioner herein assails the order dated 06.02.2020 passed by the Sub Divisional Judicial Magistrate, Assandh vide which respondents No.2 to 6 have been discharged.

Brief facts of the case are that marriage of petitioner was solemnized with Sonu, elder brother of Sanjay son of Sultan, who died on 3.8.2009 and out of the said wedlock, one son was born. After death of Sonu, *karewa* marriage of the petitioner herein with Sanjay was performed as per customs prevailing in the community on 05.02.2015. At that time, minor son of the petitioner was also adopted by Sanjay. However, with the passage of time, behaviour of Sanjay turned cruel towards petitioner and he started giving beatings to her on account of demand of dowry, which resulted into registration of FIR No.147 dated 14.03.2017 under Sections 406, 498-A, 506, 34 IPC at Police Station, Assandh.

Thereafter, Sanjay remarried again with one Mamta i.e. respondent No.2 herein on 01.02.2017 at village Bhana, District Kaithal and the aforesaid marriage was registered in the office of Marriage Registrar,

Assandh on 21.03.2017. Aggrieved by the same, petitioner filed a complaint under Sections 323, 420, 406, 494, 506, 120-B IPC against Sanjay and respondents No.2 to 6 herein, who were summoned to face trial. However, the trial Court observed that ingredients of alleged offences were not fulfilled and discharged respondents No.2 to 6 by passing the impugned order, while charging accused Sanjay under Section 494 IPC.

Learned counsel for the petitioner herein would contend that the impugned order is passed without assigning any cogent reasons and without application of judicious mind. CW1 has specifically stated that all accused had harassed her on account of demand of dowry and gave her beatings and the fact that an FIR bearing No.147 dated 14.03.2017 had already been registered, which is still pending. Even statement of Dr. Sarika has been discarded in toto without assigning any reasons, therefore, prays for setting aside the impugned order.

I have heard learned counsel for the petitioner and have perused the paper book. In support of her case, petitioner got recorded her statement as CW1 and her brother as CW2. Both of them reiterated the submissions as made in the complaint. CW3 Rakesh Mittal, Reader of Tehsildar, Assandh produced copy of marriage certificate dated 21.03.2017 regarding marriage of Sanjay with respondent No.2 herein. However, there is no iota of evidence produced on record to establish that respondent No.2 was aware of the factum of *karewa* marriage of petitioner with Sanjay and that respondents No.3 to 6 had deceived her in any manner whatsoever. There is no averment in the complaint that respondents No.2 to 6 had caused any hurt to the petitioner. It is admitted case of the petitioner that

qua demand of dowry and physical abuse there is already an FIR registered against Sanjay, which is still pending. Petitioner has miserably failed to prove ingredients of Sections 323, 420, 406, 506, 120B IPC against respondents No.2 to 6 and therefore, they have rightly been discharged by the trial Court.

In view of the aforementioned, I do not find any merit in the instant petition and the same is accordingly dismissed.

(JAISHREE THAKUR)
JUDGE

March 05, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No