

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

**CRM-M-23297-2017
Decided on : 17.01.2020**

Gaganpal Kaur

. . . Petitioner(s)

Versus

Mandeep Kaur and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Gaurav Sharma, Advocate
for the petitioner(s).

Mr. Ankush Singla, Advocate
for respondent No.1.

Ms. Devaki Anand Sullar, Asstt. AG, Punjab
for respondent No.2.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C., for quashing of Complaint Case No. 21, dated 05.05.2015, under Sections 498-A, 406, 323, 506, 34 IPC, registered at Police Station City Barnala, District Barnala (Annexure P-1) and the summoning order dated 11.06.2015 (Annexure P-2) and all subsequent proceedings arising therefrom.

As per the complaint filed before the CJM, Barnala, complainant - Mandeep Kaur was married to Kamaljeet Singh, brother of the petitioner on 15.10.2003. Even though a huge amount of money had been spent on the marriage of complainant – Mandeep Kaur, gold jewellery had been given including a gold ring to the petitioner besides other customary articles as per the demand of the accused, however, the accused remained dissatisfied. All the articles had been entrusted to the accused

No.2 (Surjit Singh, father of Kamaljeet Singh) for being kept in safe custody

which, were never returned to the complainant. The complainant would often be compelled and pressurized to get cash of ₹ 50,000/- from her parents and when she expressed her inability to bring more dowry and fulfill the alleged demand of ₹ 50,000/-, she was subjected to physical assault. It was also alleged in the complaint that the complainant continued to bear the atrocities committed upon her in the hope that with the passage of time, circumstances would improve but even the birth of a child did not help matters. On 25th December, 2009, the accused in connivance with each other tried to set the complainant on fire. The complainant managed to escape and save her life. A Panchayat was also got convened by the parents of the complainant, however, all the efforts proved to be futile. The complainant along with her child was ultimately thrown out from the matrimonial home. It was alleged that a compromise was arrived at between Kamaljeet Singh and the complainant in March 2011 and the FIR which had been registered under Sections 452, 323 IPC on 27.05.2020, was got quashed. However, it later transpired that it was just a ruse by the accused to save their skin. The cordiality between the accused and the complainant was short lived as she was again subjected to harassment and demand of dowry including a demand of ₹ 2.00 lakhs from her father. On her refusal and inability to accede to the demands of the accused-persons she was again subjected physical violence. It was alleged that the petitioner herein, who is the married sister-in-law of the complainant would continuously interfere in the married life of the complainant. Whenever she would visit the matrimonial home of the complainant, the petitioner would instigate the husband of the complainant Kamaljeet Singh, to beat up the complainant and pressurize her to get ₹ 2.00 lakhs cash from her parents. On 08th April, 2015, when the petitioner visited the matrimonial home of the complainant,

all the accused including the petitioner again in connivance with each other pressurized the complainant to get a sum of ₹ 2.00 lakhs in cash from her father. On her refusal, she was yet again subjected to physical violence and finally thrown out of the matrimonial home along with the child.

Learned counsel for the petitioner has vehemently argued that the petitioner, who is admittedly the sister-in-law of the complainant, had been working and residing separately at Sangrur with her husband and his family for five years prior to the marriage of the complainant with the petitioner's brother. Learned counsel for the petitioner further submitted that not only were the allegations leveled against the petitioner a bundle of lies and concocted, but it was very evident that the whole family of the complainant's husband had been roped in by attributing some role or the other to each of them. It was contended that a perusal of the allegations leveled against the petitioner revealed no specific, much less, any overt act, having been attributed to her. The allegations leveled by the complainant against the petitioner were not only vague but also general in nature, which did not attract the mischief of Sections 406, 498-A, 323, 506 IPC. Further, it was also brought to the notice of this Court that the complainant vide DDR No. 29, dated 09th April, 2015 (Annexure P-3), had levelled allegations only against her husband regarding harassment and there had been not even any whisper of harassment in the said DDR against the present petitioner. It was urged that had there been even an iota of truth in her allegations, the complainant would not have failed to mention the same in the aforementioned DDR as it was lodged on the very next day of her having been thrown out of the matrimonial home after being physically assaulted. Hence, it was very evident that the complaint had been filed to exert pressure upon the family of the husband and to harass them.

During the course of arguments before this Court, this Court was also apprised that the co-accused i.e. the father-in-law and the husband of respondent No.1 - complainant had since been acquitted by the learned trial Court vide order dated 06.09.2019.

Per contra, learned counsel for respondent No.1 has vehemently opposed the submissions made by the learned counsel for the petitioner and submitted that there are serious and specific allegations against the petitioner of instigating the husband of the complainant to maltreat and harass her besides actively conniving with the co-accused to torture the complainant in connection with the demand of dowry.

I have heard learned counsel for the parties and perused the case file.

It is very unfortunate that it has become the order of the day that as and when some matrimonial dispute arises, in some cases the girls/bride with an ulterior motive to wreak vengeance on the accused do not hesitate to go to any extent to falsely implicate the parents-in-law and other members of the family, who may not even be living with them.

In the case in hand, the respondent No.1 – complainant resided at Harigarh after her marriage with Kamaljeet Singh, whereas, admittedly the petitioner had been residing at Sangrur, much prior to the marriage of respondent No.1 - complainant and it seems a little far-fetched that the petitioner would have interfered in the matrimonial life of respondent No.1 and her husband, especially in the backdrop of the fact that the husband and father-in-law of respondent No.1 – complainant have already been acquitted of the charges levelled against them.

In the circumstances, I have no hesitation in holding that the instant petition deserves to be allowed. Consequently, the Complaint Case

No. 21, dated 05.05.2015, under Sections 498-A, 406, 323, 506, 34 IPC, registered at Police Station City Barnala, District Barnala (Annexure P-1) and the summoning order dated 11.06.2015 (Annexure P-2) as well as all subsequent proceedings arising therefrom, are hereby set aside.

(MANJARI NEHRU KAUL)
JUDGE

January 17, 2020

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No