

120.

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

CRM-M-48975-2019

Date of decision: 06.03.2020.

JAGPAL SINGH AND ANOTHER

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Abhivadya Sood, Advocate,
for the petitioners.

HARI PAL VERMA, J.

Petitioners, who are husband and father-in-law of the complainant, have filed the present petition under Section 482 Cr.P.C. for quashing the impugned order dated 07.09.2019 (Annexure P-1 (colly) and order dated 16.10.2017 whereby charges have been framed against them under Section 406, 498-A and 323 of IPC in FIR No.0017 dated 25.01.2017 at Police Station Sadar, Patiala.

Briefly stated, the aforesaid FIR was registered at the instance of the complainant-Manpreet Kaur whose marriage was solemnized with petitioner No.1-Jagpal Singh on 18.08.2013 and out of this wedlock, a daughter-Anmoljit was born to the couple. The petitioner-husband was working in Indian Air Force and after marriage, the complainant resided with him at Calcutta. However, parents-in-law of the complainant used to create hurdles when she was staying with her husband at the station of his posting. It was alleged that at the instigation of parents-in-law, petitioner-

husband used to give beatings to the complainant. On 12.11.2013, she was left at her matrimonial house by petitioner No.1. She was being harassed on account of bringing insufficient dowry and for various other reasons. She used to be maltreated and given beatings by the accused. Her *stridhan* articles and other dowry articles were also misappropriated by the petitioner No.1 and his parents. On one occasion, she was abused in front of her sister's husband. She was thrown out of the matrimonial house and was given fist and kick blows by the petitioners and her mother-in-law.

The trial Court, vide order dated 16.10.2017, framed charges under Sections 406, 498-A & 323 of IPC against the petitioners and aggrieved against the said order, the petitioners filed a revision petition before the learned Additional Sessions Judge (Exclusive Court for Heinous Crimes against Women), Patiala, which was dismissed vide order dated 07.09.2019. It is the said order which has been challenged through the present petition.

Learned counsel for the petitioners has argued that the petitioners have falsely been implicated in the case. The complainant has roped the entire family including petitioner No.2-Bhagat Singh, who is father of petitioner No.1, aged about 75 years and is living separately. Therefore, there was no occasion for him to interfere in the family life of the complainant. In matrimonial cases, it has become tendency on the part of the complainant to involve all the relatives and the present case is also a case of similar nature. There is no specific allegation of demand of dowry, entrustment of dowry articles, misappropriation of dowry articles against the petitioners. Moreover, present FIR has been registered after 4 years of

marriage. The complainant had earlier left her matrimonial home and filed a complaint under Section 12 of DV Act and thereafter, the said complaint was withdrawn and she joined the matrimonial home. No such complaint or FIR was lodged at that time.. The allegations levelled in the FIR are vague. From the bare perusal of FIR, no offence under Sections 406, 498-A, 323 of IPC is made out. There is no specific date, injury or medical evidence to substantiate the false and frivolous allegations. Pursuant to the FIR, no recovery has been effected, which makes it clear that the present FIR is nothing but an attempt to harass the petitioners.

Counsel has relied upon judgment of Hon'ble Apex Court rendered in *Bhaskar Lal Sharma and another Versus Monica-2009(3) R.C.R. (Criminal) 866* to contend that any gift made to the bridegroom or his parents whether in accordance with any custom or otherwise would not constitute any offence under Section 406 of IPC.

Counsel has also referred to the report dated 28.09.2014 of the Deputy Superintendent of Police (D), Patiala to substantiate the argument that for the similar set of allegations, the matter was looked into by the police and considering the report of the Incharge Women Counselling Cell-I, the Deputy Superintendent of Police has consigned the application to record.

I have heard learned counsel for the petitioners and perused the file.

There is no dispute that the marriage between the parties was solemnized on 18.08.2013. The report of Deputy Superintendent of Police as referred by the counsel for the petitioners is dated 28.09.2014 whereas the

present FIR was lodged on 25.01.2017. Therefore, the argument of counsel for the petitioners that the accused were innocent, cannot be accepted. Usually, no wife would make allegations against her in-laws and husband unless she is being harassed. In the present case, the allegation is that she was given beatings as well. It is for this reason, the FIR under Section 323 of IPC has been registered against the accused. The argument so made by counsel for the petitioners that the allegations made in the FIR are false, can only be looked into during trial.

Accordingly, this Court does not find any reason to interfere in the charges so framed by the court below.

However, considering the fact that petitioner No.2 is an old father-in-law and it being a marriage solemnized in the year 2013, in case, petitioner No.2 moves an appropriate application before the trial Court so as to seek exemption from personal appearance, the trial Court shall exempt his personal appearance unless it is otherwise specifically required.

With this, the present petition is dismissed.

(HARI PAL VERMA)
JUDGE

06.03.2020
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No