

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

CRM-M-1771-2020
Decided on : 16.01.2020

Rajbir Singh & anr.

..... Petitioners

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Peeush Gagneja, Advocate
for the petitioners.

Manjari Nehru Kaul, J.

Prayer in the instant petition filed under Section 482 Cr.PC is for quashing the criminal complaint, CrI. Case No.66-A/29.05.2018, CIS No.Comi-73/2018, CNR No.PBFZE 10016252018 titled as Jasbir Kaur vs. Rajbir Singh & ors. dated 29.05.2018 (Annexure P-1) under Sections 406, 498-A, 420 and 120-B IPC and summoning order dated 01.06.2019 (Annexure P-2) and all consequent proceedings arising therefrom.

A complaint was filed by respondent No.2 – Jasbir Kaur against the petitioners wherein she alleged that the marriage of her daughter Azalbir Brar was solemnized with petitioner No.1 on 09.12.2012. At the time of marriage, istridhan of her daughter was separately entrusted to each of the accused named in the complaint, which included gold and silver items besides clothes and other household articles. However, within a few days of the marriage, the daughter of the complainant was subjected to physical and mental harassment as the accused-petitioners were dissatisfied with the

dowry. The complainant then purchased and handed over furniture worth approximately Rs.2 lakhs to the accused. Not only this, petitioners No.1 and 2 told the complainant's daughter that in case she wanted to go to Australia she would have to arrange a sum of Rs.7 lakhs from her parents. During her stay in the matrimonial home, the daughter of the complainant had no access to her istridhan. It was only in 2016, when an amount of Rs.7 lakhs was given to the petitioners only then petitioner No.1 took the complainant's daughter to Australia on spouse visa where also she was subjected to ill treatment. In January, 2017, the complainant's daughter returned to India to attend a marriage. However, when she asked petitioner No.2 to hand over her gold jewellery, she was refused. Subsequently, petitioner No.1 told her daughter over the phone that not only had her tickets to Australia been cancelled but even her spouse visa stood cancelled and they would neither rehabilitate her nor return her istridhan. When petitioner No.2 was approached by the complainant and her husband, she misbehaved with them. It was in this background, the present complaint was filed.

I have heard learned counsel for the petitioners and have gone through the criminal complaint as well as the impugned summoning order passed by the court below.

As far as prayer for quashing the criminal complaint is concerned, no doubt a complaint can be quashed if the allegations levelled on the face of it are absurd and unbelievable. However, whether the allegations levelled in the impugned complaint are true or false, are questions which can be determined only at the time of trial when the

evidence would be led by the parties.

As far as summoning order passed by the Court below is concerned, same is well reasoned and has been passed after preliminary discussion of the evidence led by the complainant in detail. I do not find any reason to set aside the summoning order as the same is a well reasoned one and the ingredients of the offences under Sections 406, 498-A, 420 and 120B IPC are prima facie made out from the averments made in the complaint and the preliminary evidence recorded thereof. It is clarified that nothing observed herein above would be construed as an expression on the merits of the case.

Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

16.01.2020
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No