

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

CRR-1423-2021

Date of Decision: 15.11.2021

Shyamwati

..... Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Khalid, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

Present revision has been preferred by the petitioner impugning the order dated 16.9.2021 passed by the learned Additional Sessions Judge, Faridabad, whereby application under Section 319 Cr.P.C. for summoning respondent No.2 and 3 i.e. Ravi (father-in-law) and Deepak (Devar), was dismissed.

As per the factual matrix of the case, the FIR in question was lodged by Shyamwati wife of late Narayan Singh. It is alleged that on 5.2.2018, her daughter Bimlesh was married with Jitender @ Rinku. At the time of marriage, sufficient dowry was given beyond their capacity. After one year male child was also born. However, after the marriage her in-laws, namely, Jitender (husband), Ravi (father-in-law), Deepak (dever) and Rekha @ Viro (mother-in-law) started harassing and torturing her daughter for taking less dowry, even they demanded Rs.1.5 Lacs. Due to that husband of the complainant suffered heart attack and died. Not being able to tolerate the atrocities committed by the in-laws, her daughter committed suicide on 31.5.2021. The FIR was lodged for taking legal action against the culprits.

Thereafter, the Investigating Agency swung into action and the

matter was thoroughly investigated. However, on the conclusion of the investigation, the challan was presented against Jitender Singh (husband and Rekha @ Viro (mother-in-law), whereas rest of the two accused i.e. Ravi (father-in-law) and Deepak (Devar) were exonerated. The complainant was examined as PW-1 during the course of trial, who reiterated her allegations made in the FIR and on the basis of the same, application under Section 319 Cr.P.C. was filed for summoning the rest of the two accused i.e. Ravi and Deepak to face trial with the co-accused. The learned trial Court after hearing both the parties, declined the same vide its order dated 16.9.2021. Aggrieved by same, the petitioner has approached this Court by way of filing of this revision petition.

Learned counsel for the petitioner has vehemently contended that the view taken by the learned trial Court is totally erroneous and against the settled principal of law. He has submitted that from the perusal of the FIR and the deposition of the complainant before the Court, it is apparent that both the proposed accused i.e. Ravi and Deepak were named since beginning with specific allegations and hence, the Investigating Agency has wrongly exonerated both of them. He submits that once the complainant reiterated her allegations against both of them before the trial Court, they should have been summoned under Section 319 Cr.P.c.. He has relied upon the judgment of Hon'ble the Apex Court in the case of Hardeep Singh vs. State of Punjab and others, (2014) 3 SCC 92.

I have heard learned counsel for the petitioner and perused the record.

There is no gainsaying that respondents No.2 and 3 were

mentioned in the FIR by the complainant-petitioner, however, during the course of investigation, no reliable material came against them. Hence, the challan was presented against two of the accused i.e. the husband and mother-in-law, whereas both the proposed accused were kept in column No.2. As per the law settled by Hon'ble the Apex Court in Hardeep Singh' case (supra), power under Section 319 Cr.P.C. is to be exercised with extreme care and caution. The satisfaction of the Court in summoning the proposed accused should have been more than the satisfaction required to be framing of charges. However, in the present case the facts and circumstances, do not qualify on the parameters set by Hon'ble the Apex Court. In the totality of the facts and circumstances of the case and in view of the law settled, this Court finds that the view taken by the learned trial Court suffers form no illegality. Thus, the petition being devoid of any merit, is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

15.11.2021
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No