

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

116

CRM-M-10894 of 2022
Date of decision:28.04.2022

Rakesh Kumar and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kuldeep Singh Saini, Advocate
for the petitioners.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab
for respondent No.1-State.

Mr. R.S.Sekhon, Advocate
for complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

Challenge in the instant petition filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Code”) is to the FIR No.108 dated 22.07.2020 registered for offence under Section 498-A of Indian Penal Code, 1860 at Police Station Anandpur Sahib, District Ropar (Annexure P-2) and all proceedings arising therefrom.

Present petition emerges out of FIR lodged by complainant-respondent No.2 against her husband, Rajesh Kumar (petitioner No.1), her father-in-law, Julfi Ram (petitioner No.2), Rano Devi, mother-in-law (petitioner No.3) and sister-in-law, Jyoti Devi, on the allegation that she was

married to petitioner No.1 on 22.02.2020 at Amb, District Una and in accordance with the demand and wishes, her parents gave huge dowry, gifts and other articles to the petitioners. Petitioner No.2 was given a gold ring, petitioner No.3 gold earrings, petitioner No.1 gold chain and gold rings and Jyoti Devi was given gold earrings. Expensive clothes, cash of Rs.2.00 lacs was also given to the accused, Rs.6.00 lacs were spent at the time of marriage. The accused started harassing respondent No.2 for bringing insufficient dowry of a poor quality and demanded a car. Two months after marriage, petitioner Nos.1 and 2, on the instigation of Jyoti, demanded a luxury car. When respondent No.2 tried to explain the situation to them, her husband, petitioner No.1 slapped her. The complainant suppressed this incident as she did not want any disturbance in her married life. This encouraged the accused, who started troubling her even more. She gave birth to a son and the expenses of delivery were borne by her parents. Gold bracelet and chain were given to the newly born, but the in-laws kept on persisting with their demand. Two-three days after arrival back at her matrimonial home from the hospital, they physically assaulted her and did not even give her a proper diet. She went into a depression. Her father got her treated from Ivy Hospital, Hoshiarpur and tried to rehabilitate her, but the accused flatly refused to take her back. Rather a petition under Section 9 of Hindu Marriage Act, 1955 was filed in the Court at Adampur Sahib and on appearance, when the complainant submitted before the Court that she is ready to go back, the petition was dismissed. Thereafter, her parents took her to the matrimonial home. On assurance of payment of Rs.2.00 lacs, she

was taken back. Despite the fact that her brother arranged the money and gave it to her father-in-law and brother-in-law, the accused did not desist from assaulting her. On 18.02.2020, she informed the police, who called the accused and a compromise was effected at the police station and the accused sought pardon in writing and assured that they will not harass the complainant. The complainant was rehabilitated in the matrimonial home, but the situation did not improve. The accused threatened that they will throw her out and verbally threatened to file a false petition seeking divorce and eliminate her, which has been recorded and the recording is in the possession of her brother. The complainant has also filed a case for restraining the accused from turning her out. *Stridhan* articles has been misappropriated and she has been mentally and physically harassed. She has requested that action be taken against the accused.

Counsel for the petitioners has argued that false and frivolous allegations have been levelled against the petitioners, which were inquired into on a representation submitted by the complainant and no truth was found into the same. Reliance has been placed upon the reports, Annexures P-4 and P-5, in support of the submissions. Counsel has also referred to the interim order dated 05.10.2021 (Annexure P-6), passed by this Court in a petition seeking quashing of FIR filed by co-accused, Jyoti.

Per contra, State counsel upon instructions from ASI Surjeet Singh has opposed the petition and submitted that perusal of the allegations shows that cognizable offence is made out. He submits that on conclusion of investigation, a final report under Section 173 of the Code, has been

presented, which has not been challenged. Upon further instructions, he submits that charge is yet to be framed, though inadvertently, a statement was made before this Court on the previous date that charge has been framed.

I have heard counsel for the parties and perused the documents on the record with their able assistance.

There are specific allegations against the petitioners of harassing, humiliating, tormenting and assaulting the complainant on account of dowry. The reliance on the reports, Annexures P-4 and P-5 would not help the petitioners as the allegations have been inquired into and a final report under Section 173 of the Code has been presented, which development has neither been disclosed in the petition nor challenged herein. The material relied upon by the petitioners cannot be examined in a petition under Section 482 of the Code. Even otherwise, charge is yet to be framed on the basis of the report presented under Section 173 of the Code by Investigating Agency.

On an examination of the allegations levelled in the FIR, this Court is of the view that the accusation *prima facie* discloses offence, complained of and no interference is called for in the exercise of inherent power of this Court. Pendency of petition filed by the co-accused, Jyoti will have no bearing on the present case as she is stated to be the married sister-in-law of the complainant, who is residing at her matrimonial home in a different city. Consequently, the present petition being bereft of any merit is hereby dismissed.

However, it is made clear that whatever has been observed above, is only for the purposes of disposal of the present quashing petition and it shall not prejudice the rights of the parties during the course of the trial and the Trial Court shall proceed with the trial uninfluenced by anything said hereinabove.

April 28, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>