

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

234

CRM-M-17540-2020

DECIDED ON: 9th NOVEMBER, 2022

ASHOK KUMAR TRIKHA AND OTHERS

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: None for the petitioners.

Mr. Aman Dhir, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The instant petition has been filed under Section 482 Cr.P.C seeking directions to respondent No.2 to mark/transfer the applications (SPC complaints No.188/2019 and PC-WC 202) filed in District Ferozepur, Mohali and Chandigarh before the State Women Commission in order to cause undue mental and physical harassment to the petitioners.

Learned State counsel has made a reference to para Nos. 4 and 5 of preliminary submissions of the reply dated 07.09.2020, which read as under:-

4. *That it is respectfully submitted that from the inquiry conducted, statements recorded, documents produced ie. Bills produced by complainant, photographs of marriage etc. It transpired that the complainant / Malika got married with Sagar Trikha on 03.12.2014 at City Palace, Moga. At the time of marriage, the complainant's family have given sufficient dowry as per their status. Out of the wedlock one daughter namely Alia aged 4 years was born to them. After some time*

from the marriage her husband started harassing and beating her for dowry but she kept bearing all that in order to save her marriage. From the date of her marriage till 11.06.2018 she was living with her inlaws. Her parents in law have disowned Sagar Trikha and her from their property. Thereafter, they started living separately near Rajindra Hospital, Moga. Their again her husband started demanding dowry form her and used to harass her mentally/physically for that. In July, 2019 he gave beatings to her and turn Malika and her daughter Alia out of the house. Since then she is -50 living at Zirakpur with her parents. During this period, Sagar Trikha neither gave a penny to her for their expenses nor made efforts to take her back. Her parents are living in a rented accommodation Instead of taking her back, Sagar Trikha filed a divorce petition at Moga against her which is pending adjudication. From the inquiry made so far, the allegations leveled against Sagar Trikha as regards demand of dowry from complaint/respondent no. 9 and causing mental and physical harassment to her are prima facie proved on record. Her istri dhan is with her inlaws family. As far as the role of Ashok Trikha, Ashu Rani and Saurav Trikha, the same will be considered during investigation. Accordingly, recommendation was made for registration of case/FIR against Sagar Trikha after taking legal opinion in the matter. Thereafter, legal opinion was taken in the matter. Resultantly, case/FIR no. 302 dated 29.07.2020 under Section 406/498-A IPC was registered against Sagar Trikha only.

5. That it is respectfully submitted that in view of the facts and circumstances, it becomes clear that accused Sagar Trikha harassed mentally/physically the complainant for demand of dowry and her istri dhan is lying with her inlaws family. Further investigation in the matter is underway. If any material as regards to complicity/involvement of petitioners would come on record during the investigation, then further action as per law would be taken against them. However, at

this stage the case/FIR is registered against the accused Sagar Trikha only and the petitioners are not required in the present matter.

In view of above, it is abundantly clear that after taking legal opinion in the matter, FIR No. 302, dated 29.07.2020, under Sections 406 and 498-A IPC has already stands registered against Sagar Trikha. Meaning thereby, the grievance raised by the petitioners stands redressed and the present petition has been rendered infructuous.

Disposed of as having rendered infructuous.

(SANDEEP MOUDGIL)
JUDGE

9th NOVEMBER, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>