

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 245

CRM-M-38595-2016

Date of decision : 30.08.2022

Ravinder Singh @ Rajinder Singh and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ritesh Pandey, Advocate, for the petitioners.

Mr.M.S.Nagra, AAG, Punjab.

Mr.Suvir Kumar, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 482 Cr.P.C. the petitioners seek quashing of criminal complaint No.99 dated 08.09.2010 titled as *Jiwan Bala @ Jyoti vs Balwinder Singh etc.* under Sections 498-A and 406 IPC and all subsequent proceedings including the summoning order dated 08.05.2012.

Learned counsel for the petitioners submits that he does not press the present petition qua petitioners No.2 and 3. Therefore, the present petition qua petitioners No.2 and 3 is dismissed as withdrawn.

Co-accused Daljit Kaur and Lakhwinder Kaur had earlier approached this Court through CRM-M-6326-2013-*Daljit Kaur vs State of Punjab and another* and CRM-M-34045-2013-*Lakhwinder Kaur and others vs State of Punjab and another* which petitions of theirs have been allowed by this Court on 16.03.2016 and the relevant extract from such order reads as under: -

“17. In the instant case there is no dispute that petitioners are residing separately. Petitioners Lakhwinder Kaur and Jaswinder Kaur are married sisters-in-law, while petitioners-Gurmail Singh and Som Nath are their husbands. Petitioner Daljeet Kaur is also a married sister-in-law of the complainant. As stated in the complaint, petitioner-Daljeet Kaur was entrusted with one ring, six set double bed sheets, one mixi, one dinner set, two lemon sets; petitioner-Lakhwinder Kaur was entrusted with a Iron, table, umbrella, kitchen set, ladies wrist watch, ten gents towels; petitioner-Gurmail Singh was handed one gold ring, one gents suit; petitioner-Jaswinder Kaur was

entrusted with one lemon set, three bowls, silver ornaments, one trunk, one brief case, one fan, 101 utensils and petitioner-Som Nath was entrusted with one gold ring, one gents suit and 2 pair of shoes. It cannot appeal to prudence that the petitioners were individually entrusted with the aforesaid articles. It is the allegation that the aforesaid articles were entrusted to the petitioners on the understanding that it would be handed back to the complainant on reaching the matrimonial home.

18. The marriage took place in the year 2005 and the complainant was stated to be turned out from house on 12.05.2006. Nothing has been shown that during the period interregnum the complainant ever raised any demand. Admittedly, the petitioners are residing separately and it cannot be believed that they had usurped the same and converted it for their own use. Even otherwise, the other household articles mentioned in the complaint were being used by her and the family and it cannot be believed that they were entrusted to the petitioners. That apart, the customary gifts given to the in-laws do not fall within the definition of dowry.

19. Coming to the offence under Section 498-A IPC, from a perusal of complaint it is abundantly clear that there are no specific allegations against the petitioners of harassment. No date or time was mentioned as to when she had been harassed or maltreated by the petitioners. No specific instance was given. There are general and wild references that after the marriage, the accused taunted that she had not brought Motor-cycle, cash of Rs.50,000/-, colour television and refrigerator. The allegations against the petitioners are vague, omnibus and general in nature and appear to have been made out of frustration just to widen the net. The petitioners are residing separately and they cannot be termed as a beneficiaries of the said demand. It cannot be forgotten that there is a tendency to rope in the relatives of the husband in a matrimonial dispute. In the considered opinion of this Court, by mere conjectures and implications, the petitioners, who are residing separately, cannot be said to be involved for the offence of demand or misappropriation of dowry articles.

20. The complainant had relied upon Mohit's case (supra). There is no dispute to the proposition of law laid there, but at the same time, no fetters can be put on the powers of the Court from exercising powers under Section 482 Cr.P.C. once the Court finds that the proceedings against the petitioners are smeared with malafides then continuation thereof would be an abuse of the process of the Court. Only because a revision petition is maintainable, the same by itself, would not constitute a bar for entertaining a petition under Section 482 Cr.P.C. Summoning of an accused in a criminal case is a serious matter and criminal law cannot be set into motion as a matter of course. Therefore Mohit's case (supra) is of no help to the respondent.

21. In the considered opinion of this Court, the allegations made in the complaint are absurd and improbable and warrants interference with an object to meet the ends of justice and prevent abuse of the process of the Court.

22. In view of the discussion made above, the instant petitions are allowed. The impugned complaint and consequent proceedings taken therein, including the summoning order against all the petitioners are quashed."

Learned counsel for the parties fairly admit that the case of petitioner No.1 is identical to that of co-accused Daljit Kaur and Lakhwinder Kaur. That being so, the present petition qua petitioner No.1 is also allowed on the basis of the afore extracted reasons given in the order of this Court dated

16.03.2016 (Annexure P-3) passed in CRM-M-6326-2013-*Daljit Kaur vs State*

of Punjab and another and CRM-M-34045-2013-*Lakhwinder Kaur and others vs State of Punjab and another*. Resultantly, the impugned complaint and consequent proceedings including the summoning order only qua petitioner No.1 are quashed.

30.08.2022
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[DEEPAK SIBAL]
JUDGE

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