

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

CRM-M-35991-2021

Date of decision : 21.04.2022

Kuldeep Kaur**..... Petitioner****versus****State of Punjab and another****.....Respondents****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ*********

Present :- None.

*********RAJESH BHARDWAJ, J.**

This petition has been filed praying for quashing the FIR No.2 dated 09.01.2021, under Sections 406, 498-A of the Indian Penal Code, registered at Police Station Sadar Batala, District Batala along with consequential proceedings arising therefrom.

The case came up for hearing on 2nd September, 2021. However, no one for the petitioner was present and the case was adjourned for 07.12.2021. Again no one represented the petitioner and hence, the case in the interest of justice, was adjourned for 10.02.2022. On that date also, no one represented the petitioner and the case was adjourned for 21.04.2021 i.e. today. Today also, the position remains the same as no one represented the petitioner and hence, the case is taken up for hearing to be decided on merits.

As per the facts of the case, the present FIR has been lodged by respondent No.2-complainant Gurbir Kaur. The sum and substance of the allegations are that the complainant has passed B.Com., B.Ed and her marriage was solemnized with Lovepreet Singh on 25.10.2019. In the marriage, sufficient dowry articles including the gold ornaments were given by the family of the complainant to her husband and in-laws. Her husband is resident of Italy since long. It was assured to the complainant that after the

marriage, she would be taken to Italy. After about 1 ½ months of marriage, her husband went back to Italy and did not contact the complainant. They demanded the car in dowry. It was told to the complainant by her husband and sister-in-law Sandeep Kaur that their mother Kuldeep Kaur i.e. the petitioner remains ill and hence, the car is required for looking after her. They put a condition that she will go abroad only after the car is given by her parents to them. She was repeatedly being taunted and harassed for the demand of dowry. On her resistance, her mother-in-law, sister-in-law used to beat her. She was threatened that in case she disclosed the same to her husband, they would kill her. Finally, she was thrown out of the matrimonial home and she was compelled to live with her parents. After residing with the parents for 7 months, finding no other alternative, she lodged the present FIR for the redressal of her grievances and to take the legal action against the culprits.

The petitioner before this Court is the mother-in-law of the complainant. The basic ground taken in this petition praying for quashing of the FIR in question is that the allegations in the FIR are false and frivolous and no harassment as alleged has been caused to the complainant. It had been further contended in the petition that the complainant remained in the matrimonial home only for 20 days and she left the matrimonial home as she wanted to go abroad with the husband. The petitioner had relied upon the Apex Court judgment titled as Varala Bharath Kumar Vs. State of Telangana, (2017) 9 SCC 413. It is prayed that the prosecution of the petitioner is nothing but an abuse of the process of the Court and hence, the same deserves to be quashed.

After perusing the record of the petition, it is apparent that there are specific allegations levelled by the complainant against the petitioner and

the co-accused. It has been alleged that the complainant is being taunted and harassed for the demand of dowry. She has been living with her parents as she was deserted by her in-laws. The husband is already residing in Italy and the complainant is totally at the mercy of her in-laws. The averments made in the petition are totally the matter of evidence to be led before the trial Court. As per the law settled in Gian Singh vs State of Punjab and another (2012) 10 Supreme Court Cases 303 and State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335, the Hon'ble Supreme Court has settled the parameters for consideration of the quashing of the FIR invoking the inherent jurisdiction under Section 482 Cr.P.C. There is no dispute with the observation of Apex Court in Varla Bharath Kumar's case (supra) but each case is to be examined in the light of its facts which are different in the present case. Learned counsel for the petitioner has failed to appear and assist this Court on behalf of petitioner.

From the perusal of the FIR and the averments made in the petition, this Court finds that the petition do not qualify for invoking its inherent jurisdiction for quashing of the same. Resultantly, this petition being devoid of any merits is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

21.04.2022
m.sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No