

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

CRM-M-14448-2020 (O&M)

Date of Decision:- 14.02.2023

VIRENDRA CHAUDHARY AND OTHERS

...Petitioners

Vs.

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

**Present:- Mr. Vimal Kumar Gupta, Advocate
for the petitioners.**

Ms. Deepshikha Chauhan, Assistant A.G. Haryana.

**Dr. Anand Kumar Bishnoi, Advocate
for the respondent No. 2/complainant.**

AMARJOT BHATTI, J. (Oral)

1. Petitioners – Virendra Chaudhary, Bhagwan Singh, Pushpa Devi, Mayank Singh and Ram Babu Singh have filed the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 18 dated 28.02.2020, registered under Sections 323, 34, 406, 498-A, 506 of IPC at Police Station Women West, Gurugram, District Gurugram.

2. Learned counsel for the petitioners by giving statement in the Court withdrew the present quashing petition qua Virendra Chaudhary – petitioner no. 1.

3. The facts of the case are that Manali Gawer - complainant filed written complaint against her husband Virendra Chaudhary, father-in-law Bhagwan Singh, mother-in-law Pushpa Devi, brother-in-law Mayank Singh and maternal uncle of her husband namely Ram Babu Singh. It is alleged by the complainant that she got married with Virendra Chaudhary

on 24.04.2012. Prior to marriage, roka ceremony took place on 12.02.2012. Pre-marriage functions took place prior to wedding on 24.04.2012. The complainant has given the detail of gifts given during various ceremonies and the amount which was spent at the time of marriage. Before marriage ceremony, the mother-in-law and her husband had sent a list of items in which a Honda City car of diesel was specifically demanded. The father of the complainant in order to fulfill their demand gave gold ornaments, clothes, gifts, steel utensils, TV, AC etc. The total expenditure on wedding is mentioned as Rs. 45,82,000/-. After marriage, she was taken to the house of her husband i.e. House No. 56, Mayur Vihar, Dhauli Pyau, Mathura, U.P. Her husband started shouting on her for giving Honda City car in petrol and not in diesel. He further shouted that her family could not give two gold sets to his mother and sister-in-law. After marriage, she was taken to Bangalore where her husband was working. Even there, she was maltreated and threatened for their aforesaid demand. During this period, she became pregnant and her husband wanted to abort the child to which she refused. She was physically harassed. Her husband was transferred to Gurgaon. On 16.04.2013, due to her health condition, she was taken to Apollo Hospital, Delhi and where the abortion was done on 17.04.2013. She got pregnant for the second time. The mother and father of the husband insisted that she should tell her father to give a diesel car and gold jewellery and in case their demand was not fulfilled, she will be sent to Mayur Vihar residence, where she will have to stay alone. Ultimately, she told her father about their demands. The father of the complainant had a talk with her husband and explained that he was not in a position to give a new car. She was brought to Mayur Vihar residence where she was left with his parents. Earlier, she was getting treatment from

Max Hospital, Gurugram. She was ill treated during her pregnancy. When her condition deteriorated, she was taken to Mehta Nursing Home, Mathura and at the insistence of doctor, she was again taken to Max Hospital. She delivered a male child on 07.01.2015. Her husband left her alone in the hospital on 09.01.2015 and ultimately, the entire expenditure was borne by her father and brother. After about 26 days, she was again taken back to matrimonial home. On reaching there, her husband, father-in-law, mother-in-law and Ram Babu Singh started shouting on her. They insisted on their previous demands. Ram Babu Singh threatened to kill her. The complainant objected to the behaviour of the uncle of her husband. On this, she was locked in a room along with her child. Her husband started living in Gurgaon. Her brother-in-law also taunted her for bringing less dowry. The husband of the complainant visited Mathura once or twice in a month. He used to shout at her. It was told that in case her father did not fulfill their demand, he should take divorce from her. On 23.11.2015, her husband, mother-in-law, father-in-law gave beating to her and she was dragged towards guest house. She informed her mother. On 08.01.2016, her father-in-law forcibly left her at the gate of her parents house and they were told to keep her there forever. Later on, it came to her notice that her husband was having extra marital affair with other girls. The matter was reported to the police and after inquiry, the present FIR has been registered.

4. Learned counsel for the petitioners argued that all the allegations levelled in the FIR are false. Earlier, she had filed a similar complaint with Police Station Women West, Gurugram and it was found to be false. Copy of investigation report is Annexure P-2. There is long delay in lodging the present FIR. The complainant earlier resided with her husband at Bangalore

and Delhi. Now, she is residing in the house of her father for the last more than five years. All the allegations levelled against father-in-law, mother-in-law, brother-in-law and maternal uncle of her husband are false, frivolous and concocted one. There was no demand of dowry nor the complainant/respondent no. 2 was maltreated. It is pointed out that the complainant has wrongly alleged that she was forced to go to a toilet on the second floor. In fact, there is no second floor in their house. The photographs of the house are Annexure P-3. It is denied that the petitioners ever raised demand of Honda City car in diesel. The petitioners belong to a reputed family. All the allegations levelled regarding maltreatment on account of demand of dowry are false. The petitioner no. 4 is an Engineer working in a company. The certificate of employment is Annexure P-4. Similarly, petitioner no. 5 is a maternal uncle of petitioner no. 1, who is residing in his own house. He is a reputed person and falsely involved in this case. The petitioner no. 1 filed a petition under Section 9 of Hindu Marriage Act for restitution of conjugal rights but the complainant did not appear in that case. Thereafter, petitioner no. 1 has filed petition under Section 13 of Hindu Marriage Act against respondent no. 2, which is still pending. The present FIR is a counterblast to the said divorce petition. It is argued that the present FIR is got registered by the complainant only to harass the entire family. It is prayed that the present petition may be accepted and the FIR registered against petitioners No. 2 to 5 may be quashed.

5. On the other hand, learned counsel for respondent no. 2/complainant argued that there are specific serious allegations against all the petitioners. The respondent No. 2/complainant was maltreated in the matrimonial home on account of their demand for more dowry. In the FIR,

all the incidents of cruelty and maltreatment are mentioned. There are specific serious allegations against father-in-law and mother-in-law with whom the respondent no. 2 was left by her husband. It is argued that the respondent no. 2 was turned out of the matrimonial home along with her child on 08.01.2016 and since then, she is living in her parents house. It is pointed out that from the facts narrated in the FIR, prima facie there are specific allegations falling under Sections 406, 498-A, 323, 506, 34 IPC. The said allegations will be proved on record at the time of recording the evidence. The learned counsel for the respondent No. 2 has relied upon the authority cited in ***Criminal Appeal No. 749 of 1980 in case titled as "Municipal Corporation of Delhi Versus Purshotam Das Jhunjhunwala"***, where it was observed that the evidence against the accused cannot be considered at the stage of quashing proceedings as that would be matter of evidence to be recorded during trial. It was further explained that for the purpose of quashing of proceedings, only allegations set forth in the complaint have to be seen and nothing further. Therefore, at this stage, the petition filed by the petitioners for quashing of FIR is not justified.

6. Learned counsel representing the State also clarified that till date, the challan is not presented and the case is under investigation.

7. I have considered the arguments advanced before me. I have also gone through the contents of FIR carefully which is registered on the written complaint of Manali Gawer - respondent no. 2. In the FIR, the complainant has given detail of dowry articles given to her at the time of marriage. As per her version, her parents had spent Rs. 45,82,000/- on her marriage. The complainant alleged that she was maltreated in the matrimonial home from the very beginning on account of their demand for

more jewellery for her mother-in-law and sister-in-law and her husband demanded Honda City car of diesel, though, her parents had given Honda City car of petrol. She has narrated the incident of cruelty when she was living with her husband at Bangalore and Gurgaon. Thereafter, she was left along with her father-in-law and mother-in-law in their residence at Mathura. She has also levelled allegations that she was not given proper treatment when she was on family way. She was again maltreated when she conceived for the second time and was ultimately admitted in Max Hospital, Gurugram, where she gave birth to a son on 07.01.2015. It is alleged that entire expenditure was borne by her father and brother, whereas, her husband left her alone in the hospital on 09.01.2015. She was taken back to the matrimonial home where she was again ill treated and her father-in-law left her in her parental house on 08.01.2016 where she is residing with her son. The petition qua petitioner No. 1 - Virendra Chaudhary (husband) is withdrawn. The sequence of events and the facts mentioned in the FIR clearly indicates the involvement of petitioner no. 2 and petitioner no. 3. There are specific serious allegations against both of them regarding maltreatment and demand of dowry. It is rightly pointed out by learned counsel for the respondent no. 2 that the facts mentioned in the FIR will be proved at the time of recording evidence. The involvement of father-in-law Bhagwan Singh and mother-in-law Pushpa Devi is there from the very beginning and throughout the respondent No. 2 lived in the matrimonial home. Therefore, considering the aforesaid facts, I do not find merits in the petition filed by petitioner no. 2 and 3 for the quashing of FIR No. 18 dated 28.02.2020, under Sections 323, 34, 406, 498-A, 506 of IPC at Police Station Women West, Gurugram, District Gurugram registered against them and the petition filed by them is accordingly, declined.

8. The present petition is also filed by brother-in-law of respondent no. 2 namely Mayank Singh – petitioner no. 4 and maternal uncle of her husband namely Ram Babu Singh – petitioner no. 5. In the entire FIR, there is allegation against petitioner no. 4 Mayank Singh that he also teased the complainant for bringing less dowry. Whereas, regarding petitioner no. 5 Ram Babu Singh, it is alleged that he gave threats when she was brought back in the matrimonial home after the birth of child on account of their demand of gold ornaments and Honda City car of diesel. The allegations against them are general and vague. They are not beneficiary in case any demand is satisfied. Therefore, considering these facts, I do not find prima facie case to proceed against them under the provisions of Sections 406, 498-A, 323, 506, 34 of IPC.

In view of these facts, the petition filed on behalf of petitioners no. 4 and 5 is accepted and the FIR No. 18 dated 28.02.2020, under Sections 323, 34, 406, 498-A, 506 of IPC at Police Station Women West, Gurugram, District Gurugram registered against them is quashed.

The petition is accordingly, disposed of.

Pending applications, if any, shall also stand disposed of.

14.02.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No