

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.:115

Criminal Revision No.1205 of 2023 (O&M)

Date of Decision: *May 08, 2023*

Farukh @ Mohammad Faruk

..... PETITIONER(S)

VERSUS

State of Haryana and others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Ms. Rosi, Advocate for the petitioner.

. . .

Tribhuvan Dahiya, J (Oral)

CRM-20908-2023

Delay condoned.

Main case

This petition has been filed for setting aside the order dated 07.07.2022 passed by the Sessions Judge, Nuh, vide which the petitioner's application under Section 319 Cr.P.C. for summoning the private respondents as additional accused has been dismissed.

2. A perusal of the impugned order shows that the respondents/in-laws were found innocent during investigation. No material or evidence has come on record to even *prima facie* establish their complicity in the alleged offences. In the initial complaint, Ex.P-1, or even in the subsequent depositions before the Court, the complainant has not stated that his daughter was harassed in the matrimonial house by her in-laws, now sought to be summoned, soon before her death in connection with any specific demand of dowry. The reasoning given by the trial Court

while declining to summon the respondents as additional accused, is as under:

It was also thoroughly investigated and found that all other family members, was sought to be summoned as additional accused, were residing separately whereas accused Khalid was residing separately with his wife Najma. There are no specific allegations of demand of dowry against other in-laws, who were residing separately as per police investigation. There is nothing on record to indicate that any panchayat took place to pacify other and in-laws in connection with alleged dowry demand by them or that deceased was ever not re-rehabilitated or ousted from matrimonial house in connection with demand of dowry. In the initial complaint Ex.P-1 or even in his depositions before the court, complainant has not testified that his daughter Najama was harassed in matrimonial house by her in-laws, no sought to be summoned, "soon" before her death in connection with any specific demand of dowry. The said persons Sahid, Jahid sons of Sehrun, Sehrun son of Fateh Mohd., Sameena wife of Sehrun, Sahina wife of Sahid, all residents of Ward No. 1 Palri Road, Nuh, Tehsil Nuh, District Nuh were declared innocent after thorough Investigation. At this stage, complainant Farukh has just reiterated the version given in his complaint Ex.P1. He has not levelled any specific allegations in his deposition before the Court regarding any specific dowry demand.

3.

Learned counsel for the petitioner is not in a position to

point out any illegality in the impugned order, which is well reasoned and has been passed after considering the relevant facts and material.

4. It is, therefore, apparent that there is not enough evidence on record to establish more than *prima facie* case against the respondents to summon them as additional accused.

5. Dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of, as having been rendered infructuous.

(Tribhuvan Dahiya)
Judge

May 08, 2023
payal

<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>