

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

CRR-1450-2023

Date of decision : 03.07.2023

Kulwinder Kaur

...Petitioner

Vs.

State of Punjab

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Raj Karan Singh, Advocate
for the petitioner.

MANOJ BAJAJ, J.

This revision petition has been preferred by the complainant to challenge the order dated 28.04.2023 passed by Additional Sessions Judge, Ludhiana in case FIR No.202 dated 10.10.2022, whereby the charges against the accused persons have been framed for alleged commission of offence punishable under Sections 302 and 34 Indian Penal Code, 1860 only and the alternative charge for alleged commission of offence punishable under Section 304-B IPC has not been framed.

Learned counsel has argued that the complainant's daughter, namely, Manpreet Kaur @ Pooja was married to Bachitar Singh son of Fateh Singh on 10.12.2018, who was maltreated by her in-laws. He submits that all the ingredients to constitute the offence punishable under Section 304-B IPC are present in the FIR and final report under Section 173 Cr.P.C., despite that the Court has not framed the alternative charge against the accused for alleged commission of offence punishable under Section 304-B IPC. According to him, complainant specifically stated that the accused persons demanded dowry and

harassed his daughter, but ignoring the said allegations, the Court has framed charge only for the offence punishable under Section 302 IPC. Learned counsel has drawn the attention of the Court to the complaint (Annexure P-5) made by Manpreet Kaur @ Pooja during her lifetime to contend that complainant's daughter also levelled specific allegations against her in-laws relating to harassment on account of dowry demand. He prays for indulgence of this Court for modification of the charge sheet by alternatively framing the charge against accused under Section 304-B IPC.

After hearing learned counsel and considering his submissions, this Court does not find any merit in this petition as the allegations in the FIR do not at all contain any allegation relating to harassment on account of demand of dowry. A reading of the FIR would shows that the petitioner's daughter had a dispute with her husband on account of his illicit relations with Sukhjinder Kaur. Apart from it, once the charge for the graver offence is already framed against the accused persons, the alternative charge under Section 304-B IPC cannot be framed only as a formality particularly in the absence of any material to *prima facie* suggest the commission of the offence punishable under Section 304-B IPC.

Thus, finding no illegality or impropriety in the impugned order, this Court is not inclined to exercise the revisional jurisdiction.

Dismissed.

(MANOJ BAJAJ)
JUDGE

03.07.2023

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